STRAFFORD AND IRELAND

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Strafford and Ireland.
2 vols.
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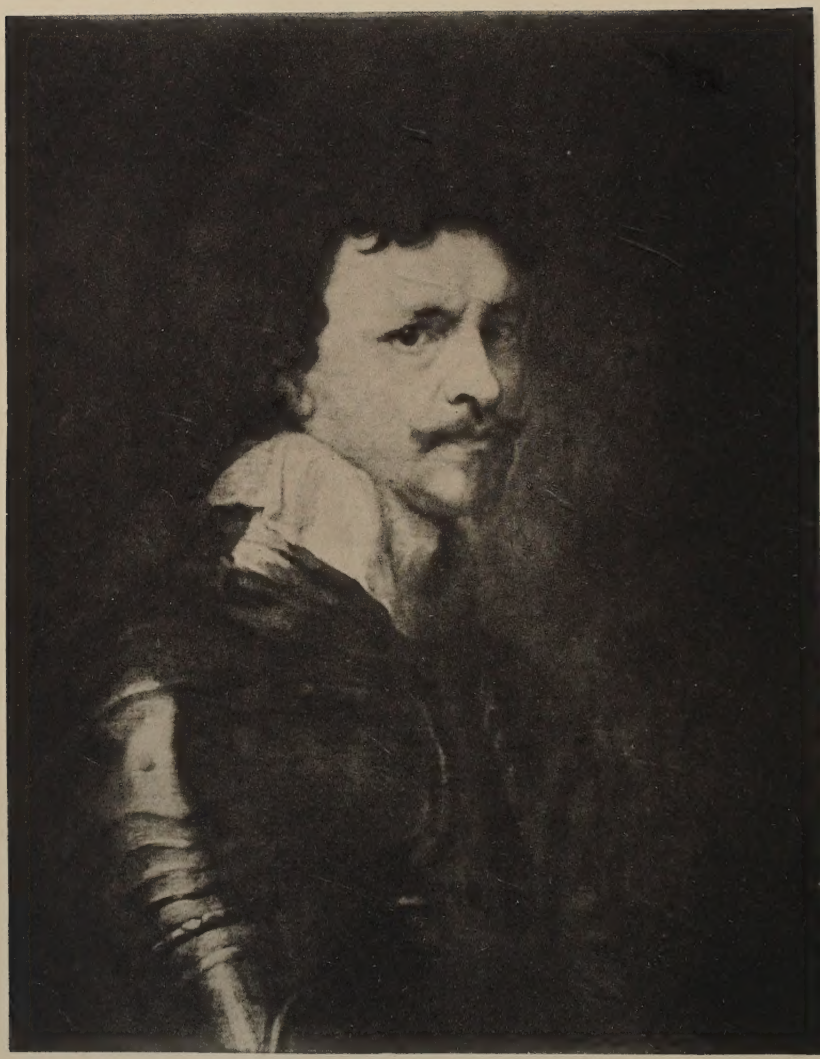

THOMAS WENTWORTH, EARL OF STRAFFORD

STRAFFORD AND IRELAND

THE HISTORY OF HIS VICE-ROYALTY

WITH AN ACCOUNT OF HIS TRIAL.

VOL. I

BY

HUGH O'GRADY, LITT.D.

There are men who rake into the histories of former ages for every instance of oppression made by that body in order to justify iniquitous and illogical retaliations. They invent a sort of pedigree of crimes. We do not draw the moral lessons we might from history. Its perversion serves for a magazine supplying the means of keeping alive dissensions and adding fuel to civil fury. History consists of the miseries brought upon the world by pride, ambition, avarice, revenge, lust, sedition, hypocrisy and ungoverned zeal. These are the causes of the storms. Religion, morals, laws, prerogatives, privileges, liberties, rights of man are the pretexts. BURKE

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D E D I C A T E D

TO

V. L.

INTRODUCTION

These two volumes comprize a series of essays on the Vice-Royalty in Ireland of Thomas Wentworth, Earl of Strafford.

I have found it impossible to write a consecutive narrative of that historic epoch. The complications were so many, the cross currents and under currents so varied, that I have deemed it more convenient simply to publish a few essays on the main features of the period.

I have to make an apology for certain, what at first sight, seem digressions. No small part of these pages is devoted to incidents which occured before Strafford landed in Ireland. In some cases I have been actually compelled to discuss movements and currents at the very dawn of Irish History. The title of this work, therefore, seems a misnomer. The narrative seems confused by the introduction of extraneous matter. The reader at first sight feels himself bewildered by pages and paragraphs on what seems to have nothing to do with the main thesis.

Nevertheless I have written nothing herein which could with profit be omitted. Every theory advanced and fact narrated is vital to the main object of these volumes, viz. the elucidation of what Strafford had to encounter, what he achieved, where he failed, and why he perished on the scaffold.

I ask the reader to imagine what would be our knowledge of English history, if our only historians were Hume and Macaulay. The pre-Norman period would be a dark epoch of raids, wars, and Kinglets; the Magna Charta would be regarded as a Norman Reform Bill; the reign of Henry V would be one only of glorious campaigns abroad, and that of Henry VIII would be a catalogue of gross tyrannies at home, striking terror into honest men. The Cavaliers would be the aristocracy and the Roundheads would be unlovely fanatics, redeemed only by their enthusiasm for "one

man one vote." Stuart England would be a period of naval decay. The reign of the Guelphs would be nothing but victories abroad. The Reform Bill would be the final triumph that crowned the development of a great people. We would know nothing of the feudal thegns and the Saxon stripowners, of the rights and duties of the manorial tenants, of the consolidation of the realm under a virile dynasty, of the slow rise of the English cities, of the causes that led to the emergence of the merchant, and of the significance of the industrial revolution. We would have a vague idea that Alfred was an unreal personage, and John some ogre with no redeeming feature. We would believe that our ancestors were serfs, living under the rod of despotism, that rights, privileges, aye liberty itself, was a thing unknown, but that we, their heirs, were the first to display human traits, to stand erect on two legs, reasoning intelligently and asserting our rights to live. The Whig historians preached this doctrine to not unwilling ears. It flatters the mind of man to tell him that he is the first free and happy man of his line. Recent historical criticism has dispersed these theories to the winds. We now know that all these great abuses and tyrannies in history were not regarded as such by contemporary men. We know that customs become customary and institutions are instituted because there is a need for them, because men—like unto us—demanded them and created them, and in time abolished them when they became a nuisance, when conditions no longer required their existence. The Star Chamber was treated with the same complacency as the King's Bench to-day, and the Benevolences as calmly tendered as the rates of a Board of Guardians. We may be more efficient, wiser, and more comfortable than our ancestors. It is to be hoped so. Sometimes, however one wonders if there was more poverty in a pocket borough than in our democratic constituencies of to-day. This we do know. Men lived as placidly then as now, and, when they got angry, they said and did exactly the same as they do in this the twentieth century. The past was very like the present, despite Hume and Macaulay.

Irish History, however, has been dominated by this Liberal school. The cause is easy to detect. At the beginning of the last century, when Macaulay was writing in England, the ideas he represented of enfranchisement, dis-establishment, and nation-

ality began to trickle over to Ireland. The peasant began to ask for a vote. The Roman Catholics and the Presbyterians began to demand the separation of the State from its episcopal appendage. The French Revolutionary doctrine that States were not to be named by the dynasties which were their figure heads, but by the peoples who comprised them, fostered a vague conception of something called nationality. All these ideas drew their driving force from the demands of the dominant element of the period, the tenant farmer, who desired to convert himself into an owner in fee.

The political leaders of the period did exactly what their confreres were doing in England. They turned over the pages of Irish history to seek for a justification of their policies, and to give the dignity of antiquity to their demands. Just as Macaulay represented the English peoples as struggling through the centuries to over-throw the King, the Lords, and the Church, and to create a democratic State on the basis of Laisser faire, so "the Young Ireland" school evolved the theory that for centuries the inhabitants of Ireland had struggled against the King, the Lords, and the Church, on the grounds that they had no connection with the country, and from this they deduced that the ideal was a democratic State, based on the right of the farmer to own his land. Vain was it to point out that the Monarchy has as much Irish blood in its veins as English, that there are far more Irishmen in the Irish peerage than in the representation of the Irish Commons, that the Irish Church has its roots far deeper in Ireland than the Church of England has in England, and that—proportionately—far more Irishmen enter its portals every Sunday than Englishmen enter the English Church every Sunday. Nevertheless the current notions of the moment not only dominated the politics of the day, but affected for nearly a century the minds of writers upon Irish History.

"The Young Ireland" school possessed some very facile writers. They had the gift of expression. Their pamphlets, suiting as they did the Liberal trend of thought in both islands, achieved a remarkable popularity. Just as nine out of ten readers of English history take their views from Macaulay, so the great mass of men who dip into Irish history take their views from "the Young Ireland" School, the Irish prototypes of the Liberal histori-

ans. Unfortunately—except perhaps for Hill—there is no evidence that any of this band of writers ever engaged in laborious historical research. For the Stuart period they simply re-wrote Carte, without noting how careful Carte was to assure his readers that multitudes lived happily and prosperously in the reigns of James and Charles. Anxious to make a case for sweeping alterations they represented all the past as murky, black, distorted, and confused. They never paused to consider that, if one tenth of their tale were true, Ireland would be now as barren and depopulated as some of the South Sea Islands. The views they inculcated became traditional. Subsequent generations of students, when they approached manuscripts, did so with a view to perpetuating the tradition, and the Irish past became a spectacle which it was orthodox to view only through dark green spectacles.

How then is one to describe the Vice-Royalty of Strafford to a public deeply impregnated with these lugubrious theories? How can I describe his relations with the House of Commons when it is presumed that it was an assemblage of colonists, just arrived, all venal, and all his retinue? How am I to dilate on his trade policy when the orthodox view, widely held, is that his predecessors had abolished Irish trade, and so there was none for him to develop? How am I to describe his policy towards the Irish Church, when all men believe that it was rolling in wealth, supported by the Government, attended only by Englishmen, hated by the people—" a Upas tree"? How can I dilate on his agrarian policy when in historical theory no Irish peasant held an acre?

These and countless other difficulties of a similar nature have compelled me in many cases to explain what the condition of Ireland was when he arrived, why certain views were held, the origin of certain difficulties, the cause of certain developments. Except for Carte—and to some degree Mr. Butler—there is no authority to whom I can refer the reader for facts, excavated from the libraries. English History can be written on the basis of well known facts with references to well known authorities. Irish History has to be written de novo. I have had to write not only an account of Strafford's Vice-Royalty, but of the events that led up to it and influenced his every action.

This is the reason, while these volumes have grown to such a size, why from time to time the reader is suddenly halted and

brought back to the events of a century before, why an arrangement has been adopted that is as disagreeable to him as to the writer, but which is necessary, vitally necessary for lucidity.

I do not pretend that these pages exhaust the subject they intended to portray. The history of that epoch covers such a vast number of developments that only the salient features are discussed in these pages. Much remains still to be rescued from the limbo of oblivion. There are large tracts of Irish history yet unexplored, and those by no means unimportant. In fact few have realized even yet how many relics of dead civilizations lie buried in the pages of Irish history. It is a treasure trove of the past. Movement after movement sweeps across Europe and expires in the Western Island. A careful Student will always find therein the skeletons and simulacra of these dead civilisations. The History of Ireland in the Tudor period, for instance, is a mine of information on a state of civilization similar to that of England under the Plantagenets. It is these curious relics of bygone conditions, jumbled together with all the conditions of modernism, that make Irish history so hard to write. There are so many self assertive forces in operation, that to know one is only to know one, and from one a conscientious student dare not generalize as regards the rest. Accordingly if a multitude of subjects are omitted in these pages, it is only because to comprise all is an impossibility.

There is yet a further difficulty. There are no authorities on Irish History. An English historian can use Stubbs as an authority at whom there can be no cavil. A classical student can build on Mommsen, and build his house upon rock. The Irish student has to go to the contemporary documents, and there pick out his facts for himself, and, what is more difficult, decide what are facts, and what are the mere manifestoes of the partizans of the period. To err in matters mundane is human, but to be accurate in Irish History is superhuman. All one can do is to collate a mass of contemporary documents, to draw from them what conclusions seem probable, to divulge to the reader the location of those documents, and to lay the result on the knees of the Gods. This I have done. For every statement I have given my contemporary authority, and, if errors have thus been committed, the fault—I hope—lies with the men who are dead and gone. Of conscious

misrepresentation I am unaware. That is the only assertion a writer can dare to make after threading a weary path through a mass of conflicting assertions, and after leaving on one side piles of matter which it would take a generation to collate. It is not the lack of material that is the difficulty. It is the impossibility of perusing all, and deciding which is authoritative.

Accordingly I leave these volumes rather to the mercy than to the judgement of the reader. They are but an experiment attempted in the leisure hours of an otherwise busy life. They aim rather at suggestions as to what is nearest the truth, than assertions ex cathedra as to what is the truth. If, therefore, the reader feels so much interest in the period as to probe himself into its complications, or, if roused to indignation at some asseration he denies, he turns himself to explore this terra incognita, then these pages will not have been written in vain. They will have brought to the elucidation of a dark patch of history, others with, I hope, abler pens than myself, and certainly with greater leisure than I can afford.

I have to express my thanks to Lord Ossory for his kind permission to reproduce the portrait of the Earl of Strafford by Vandyke. The photograph was taken by Messrs Fox, Greenhough and C°, Kilkenny.

I desire also pay a tribute to the considerable assistance I received from Dr R. H. Murray, but, it should be understood that he is in no way responsible for all the views expressed in these two volumes.

Dublin, 1922

HUGH O'GRADY

LIST OF AUTHORITIES WITH ABBREVIATIONS

A. B. Autobiography of Blair.
A. H. Archivia Hibernica. Maynooth.
B. B. Life of Bedell. Burnett.
B. C. Life of Bedell. Clogy.
B. D. Baillie. Letters and Despatches.
B. H. Life of the Marquis of Hamilton. Burnett.
B. J. Life of Bedell. Jones. (Camden Society.)
B. L. Bibliotheca Lindesiana. (Proclamations. Irish.)
C. A. H. Anglicana Hibernica. Cox.
Cat. Catholic History of Ireland. Don Philip O'Sullivan. Ed. M. J. Byrne.
C. C. P. Calendar of Clarendon Papers.
C. C. P. E. Calendar of Carte Papers in the Bodleian Library.
C. H. Clarendon. History of the Rebellion. 1719.
C. I. Papers relating to the Church of Ireland. 1860.
C. L. M. Collins. Letters and Memorials.
C. M. Camden Miscellany.
C. M. S. Calendar of Carew M. S. S. 1603—1625.
C. P. Clarendon Papers.
C. P. B. Carte Papers in the Bodleian Library.
C. R. Collections. Renehan.
C. S. P. Calendar of State Papers. (Ireland.)
C. T. Court and Times of Charles I. Birch.
Dav. A Discovery. Sir John Davies. 1612.
D. C. Calendar of Dublin Corporation M. S. S. Gilbert.
D. H. T. Historical Tracts. Davies. 1787.
Dom. Calendar of State Papers. (Domestic.)
Erck. Patent Rolls. James I. Erck.
G. H. C. History of Irish Confederation. Gilbert.

Gil. Contemporary History of Affairs in Ireland. Gilbert.
H. B. History of the Rebellion. Borlase.
H. C. J. Irish House of Commons. Journals.
H. C. Curiosa Hibernica.
H. H. Harris. Hibernica.
H. I. M. Irish Massacres in 1641. Hickson.
H. M. C. Historical Manuscript Commission's Reports. Appendices.
H. P. C. History of the Presbyterian Church in Ireland. Reid.
H. S. Hardwicke State Papers.
H. V. C. Historical Manuscript Commission's Reports. Various Collections.
I. I. The Irish Inquisitions.
I. L. G. Irish Landed Gentry. O'Hart.
J. L. Life of John Livingstone.
L. L. Life and Letters of Laud. (Anglo Catholic Library.)
L. P. 1. s. Lismore Papers. first series.
L. P. 2. s. Lismore Papers. second series.
L. S. Correspondence of Strafford. Knowler.
M. F. Irish Franciscan Monasteries. Meehan.
M. M. Montgomery Papers.
M. P. R. Calendar of Patent Rolls. Morrin.
Nal. History of Affairs. Nalson.
O. C. Life of Ormonde. Carte.
O. L. Original Letters. Eversley.
P. L. A Breviat of Wm. Land and Cantab. Doom. (T. C. D. Library.)
P. P. S. Petty. Political Servey.
P. R. Rawdon Papers.
P. R. J. Patent Rolls. James I.
R. C. Correspondence of George Radcliffe.
R. E. Embassy of Rinucini. Hutton.
R. I. A. P. Pamphlets of the Royal Irish Academy. Halliday Collection.
Rome. Calendar of State Papers. (Papal.)
R. P. Rushworth. Parliamentary Publications.
S. C. Select Charters. Stubbs.
S. O. Spicilegium Ossoriense. Moran.
S. T. Somers Tracts.

T. C. D. Manuscripts in the Library of Trinity College, Dublin.
T. P. Trevelyan Papers. (Camden Society.)
U. H. C. Unreformed House of Commons. Porritt.
U. E. Life and Works of Usher. Elrington.
U. P. Life and Letters of Usher. Parr.
W. H. History of Wexford. Hore.
W. M. Whitelocke. Memorials.
Ven. Calendar of State Papers. Venice.

Where the letters M. S. S. occur after a name, the volume referred to is the publication of the Historical Manuscripts' Commission, issued under that title. For example Ormonde M. S. S. denotes the report and selections made by that Committee from the papers of the Earl of Ormonde.

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PART. I

JUSTICE

Chapter I

STUART IRELAND

> "The rebellions have been moved upon particular quarrels between themselves, the weaker ever praying aid from the State. Others have risen out of disdain to subject themselves to the laws of the land. In all these tumults the greater part of the inhabitants have ever served the State or remained neutral". SIR GEORGE CAREW.

"A most cursed man to all Ireland and me in particular. This 22 nd. July 1633 about 9 of the clock in the forenoon Thos. Lord Wentworth, Lord Deputy of Ireland, arrived near Lousie Hill, attended with the Earl of Castlehaven, the Lord Docwra, Sir John Borlase, Sir Francis Cooke and others. I, coming in my coach, met his Lordship walking on foot towards the city, and, after welcomings, entreated his Lordship to take the benefit of my coach."[1]

So runs an entry in the diary of the Earl of Cork. Next day the Deputy paid a state visit to each of the Lords Justices. The Earl of Cork was much gratified at the honour. Lord Loftus has not put his comments on record. A gentleman, however, who was anxious to compel Loftus to surrender to him the post of water-bailiff, augured ill for his prospects from the fact that "the Lord Chancellor does his best to make friends with the Deputy".[2] Strafford's view was "Albeit this was not formerly done by other Deputies, yet I conceived it was a duty I owed them, being as then but a private person, as also to show an example to others, which would always become them to the Supreme Governor".[3] Then followed the ceremony of handing over the Sword of State, and the greatest of the Irish Deputies turned to the task of re-

1) L. P. 1. S. III. p. 203. 2) C. S. P. 1634. p. 76. 3) L. S. I—97.

organizing the most distracted, bloodstained, and turbulent country in Europe, seething with a thousand and one hydra-headed problems, while, at his very Council, sat wrangling grey-beards, whose only union was the watch they kept o'er him. To add to his difficulties behind his back in England "the Queen's Party" lay waiting, and "expecting great things out of Ireland". Even at that time the Cabal had marked him as a dangerous man, one who lived for "my Royal Master", and one, of whom it was said, "he loved justice, for justice itself, taking great delight to free a poor man from a powerful oppressor, or to punish bold wickedness".[1]

Of this Cabal and its friends in Ireland we shall learn much as we proceed. One lurid passage in Strafford's own handwriting shows how it baulked him at every step, stirring up discords throughout the length and breadth of all Ireland, whispering in the King's ear, urging on Pym and "the precise Party", and assuring the dour Scotchmen that he was a Papal Anti-Christ. "I go in a few days to York, and thence to Dublin, there to hide, till all the storms of my ill-willers be past over, and so, under a clearer sun to return to my native soil, for, albeit the most malicious amongst them hath not anything to say, yet I find that thereby I have afflicted them more by binding their tongues to the peace."[2] These words were written in the fourth year of his Vice-Royalty. Probably he was the first and last Irish Deputy, who saw in Ireland a peaceful haven of refuge — at least comparatively so.

What curious freak of destiny sent such a man to Ireland is a historical mystery. Imperial tradition never sends men of his calibre to Ireland. They form friends, alliances, achieve power and influence, and then the intoxicating atmosphere of its uproarious condition leads them along forbidden paths. Piers Gaveston, Richard of York, Perrott, Essex — it is a pretty list of the class of man, whom the Imperial Elders had to slay in panic. In this case it was fear was the motive. Ireland spelt — as they thought — political banishment. A Court budgeteer describes his appointment thus: "His ambition is wrought on by his greatest friends to give him this employment, that he may be at a further distance from the Court, and because it will be easy in the various and great

1) L. S. II—433. 2) C. S. P. 1636. p. 138.

affairs he shall have in that Kingdom, in a short time, to raise up some persons, and pick some specious occasions to asperse him, for never was there yet such an officer, that hath not been ground at Court through his absence, and the envy of malignant persons".[1] Thus, no doubt, reasoned "the Queen's Side" under the guidance of the splendid and courteous Earl of Holland, who, apart from his pecuniary ambitions, "thought it a gallantry to be the principal pillar on which a whole cabal must rely".[2]

The Government of Ireland was, at that moment, doing anything but governing. It had received a terrible shock when an intrigue in the Council procured the recall of Lord Falkland on the charge of too severe proceedings against murderers. The inner history of that intrigue reveals an official cabal, led by Loftus and Mountmorris, whose motives and actions I describe elsewhere. The Country regarded it as a defeat for the forces of Law an Order. The very man Falkland had prosecuted and the Council had released was, just before Strafford's appointment, sheltering in his house "hooded murderers".[3] In fact the moonlighter was out plying his trade, and "the idle boys" were preying on the country people in nearly every county in Ireland. Even in Meath and Dublin "two of the civilest shires of the Pale" armed bands robbed in broad daylight.[4] In Dublin City the officials had been chased off the strects, and two Privy Councillors rolled in the mud.[5] "There is no actual rebellion", wrote Lord Esmonde "but every county is full of determined cattle thieves, who are driven to thieve by poverty".[6] The exiled Ulster Lords were stirring too in Spain, ever watching for the opportunity to ride back to power on the whirlwinds of discontent. "My fathers, a war in your parts would be a great help to the King of Spain. The plans are in the breasts of your reverences".[7] So wrote the Earl of Tyrone to those priests who saw in him their religious champion.

"Driven to thieve by poverty". In that phrase of Lord Esmonde's lay the cause of these stirs. All Irish emeutes are economic, landless me seeking ta take their neighours'lands, those who have done well in this world striving to seize the Executive

1) Denbigh MSS. V—8. 2) Dom. 1640. p. 278. 3) C. S. P. 1629. p. 513.
4) C. S. P. 1631. p. 611. 5) C. S. P. 1630. p. 504. 6) C. S. P. 1629. p. 536.
7) C. S. P. 1629. p. 535.

Power and perpetuate their economic stranglehold, those who cannot live by toil seeking a sustenance in violence, and both aided by that eternal and recurring class, those who see in a break-up of the body politic some gain for themselves, and themselves alone. Usually in Ireland these are held in awe by public opinion. Throughout all the ages Ireland has acted through the Executive, forcing it this way and that, according to instinct and stress of circumstances, and compelling it, by sheer force sometimes, to deal with the anarch and the oppressor. The Executive however was growing weak. The edge of its sword was becoming blunt. One can trace in the State papers from 1620 to 1630 the steady disintegration of that union of forces, which breathed life into the Central Power, and forced it to act, to fulfil Queen Elizabeth's dictum of "a sword to the obstinate and justice to the oppressed". The internal corruption of thirty years of peace had sapped its virility, and those who were its strongest supporters were ceasing to give it aid, seeing in it nothing that was admirable.

There was not a seaport town that was not seething with discontent against a Power, which they paid, and which they had created, and yet which could not safeguard their ships at sea. Nor was it their ships only that were in peril. Turkish pirates had landed at Baltimore, and taken away over 100 inhabitants as slaves. [1] Stafford's voyage to Ireland was delayed by the presence of a pirate, who actually sank the ship containing his baggage, and then sailed to the mouth of the Liffey, and burnt a merchantman in the harbour. [2] The fact that the Turks were piloted into Baltimore by an Irishman only served to reveal the general demoralization.

Nor was the power of the sword — the great justification for the Dublin Executive — in a better plight. Strafford describes the Army as "an abomination to the inhabitants". [3] Emanuel Downing, who gave his name to a historic street, said that "it was much scorned by the Irish", and that the men were in the habit of pawning their weapons in public houses, appearing on parade with those they had borrowed for the occasion from the Natives. [4] The Roman Catholic Bishop of Waterford wrote to Rome complaining of "the insolence of the soldiery". [5] There was a uni-

1) C. S. P. 1631. p. 17. 2) L. S. I—90. 3) L. S. II—17. 4) Cowper MSS. I—456. 5) Franciscan MSS. p. 20.

versal reluctance to continue the contributions for its upkeep, and the soldiers naturally retaliated by plundering.[1] This was the force which thirty years before used to be hailed with joy on its arrival in a district, as the protector of the people from some local autocrat. "Hungry, naked, and mutinous" is the description applied to them by one of their officers.[2] Is it any wonder that the burghers of Cork, Waterford, and Limerick refused to pay a penny to the force that was presumed to protect them against "the idle boys", and that Dublin actually refused to admit into the streets, this its only police force.[3] The soldiers themselves were not so much to blame. They were seldom paid. The majority of the officers, who were supposed to see to their pay and rations, were in a chronic state of "absent on leave". In the first six months of his regime, Strafford only encountered six captains, and those six lived in Ireland, because they held Government appointments.[4] Even these had the utmost difficulty in drawing pay for their men. A Captain who was a persona grata with the Lords Justices might be absolutely sure that he would get no money from the Vice-Treasurer, owing to the feuds between these high officials.[5] Sometimes too there was no money to pay them. "I'd rather walk horses than live as I do", complained a Cork Officer who had to quell a mutiny of hungry soldiers, whose pay the Government could not give him.[6] It is an undoubted fact too that some officers allowed them to plunder the peasants on condition that they did not press for their pay.[7]

One can understand why the Irish Lords set their faces against contributing to the Army. Some of them disliked Royal armies, and were looking forward to the day when they would have armies of their own, quartered on their tenants, as in the good old days of Queen Elizabeth, and, as did happen, when the Executive power crashed to the ground on Strafford's downfall.

Accordingly, whenever a suggestion was made that men of vast estates should pay for their protection, large numbers of them demanded as a sine qua non the repeal of the Recusancy Laws, knowing well that Charles would lose his throne if he repealed those Acts. As it was he was being denounced from one end of

1) C. S. P. 1629. p. 465. 2) C. S. P. 1625. p. 2. 3) C. S. P. 1626. p. 169; 1630. p. 520. 4) L. S. I—138. 5) L. P. I. s. III. 58, 59, 63. 6) C. S. P. 1626. p. 169. 7) T. C. D. F. 3. 16.

England to the other for not putting them into force in Ireland. This attitude on the part of discontented persons was natural, but, in what state of demoralization must the Irish Executive have been when, at the moment that the King was urging these Peers to contribute a dole to pay the soldiers—Peers who, be it noted, had not paid a subsidy for fifteen years, and had nearly all evaded their feudal dues — Lord Loftus, the Lord Chancellor, was stirring up the Recusant Peers to refuse, for no other reason than because, if Falkland failed to get the supplies, he would be bound to be recalled. [1] Nor was he, as we shall see the only member of the Council who sided with the anarchs against the forces of law.

With the propertied and official classes so divided and mutinous, one is not surprized at the spread of chaos. When the upper classes in a country take the bit between their teeth, the proletariat always get out of hand. With the fleet conspicuous by its absence, and the Army paralyzed, it is little wonder that the submerged tenth were showing signs of unrest. Economic conditions were not favourable to popular content. Not only where the piracies hampering the Leinster ports, but they had closed all those of Munster. What was more the fishermen of the South could not put to sea, an economic disaster which was estimated to cost the country £ 15.000 in the year 1631. [2]

Falkland's recall, nominally over the O'Byrne case, had let loose in Wicklow some very fiery passions. Nearly all the South of that County had been "passed", in the first years of James, to Phelim MacPheagh O'Byrne. A large tract in his estate was not legally his at all. It had been vested in the Crown for subdivision in 1603, having originally belonged to some followers of a revolting Lord Baltinglass. Between the O'Byrnes and the Loftus family there were innumerable ties. Loftus estates were scattered here and there in the O'Byrne territory. The sons of old Archbishop Loftus were foster brothers of Phelim O'Byrne and his brothers. The very fact that, in 1634, the two members for the County of Wicklow — chosen without opposition — were James Byrne, Phelim's son, and William Usher, Loftus' first cousin, shows the territorial alliance between these two powerful Wicklow families. With the Loftus family in control of the official records and

1) H.V.C. III—209. 2) C.S.P. 1632—645.

paramount in high places, it was an easy matter to suppress the Inquisition which vested the Cosha area in the Crown, and to pass a patent for all South Wicklow to Phelim O'Byrne on the grounds that it was all his father's property. [1]

Phelim was not the only claimant to these lands. The local Fitzgeralds, the descendants of the followers of Lord Baltinglass, and a host of other native gentry had been agitating for years for an inquiry into this affair by rude and war-like methods, in which much blood was shed. [2] Falkland had intended to plant this area, break up O'Byrne's hegemony, and create lease holders and freeholders. He was on the verge of achieving this policy, when a "Palace revolution", in which Loftus played a part, drove him from office. On the collapse of the mooted Plantation the whole area "went on its keeping". [3] Accordingly there were disturbances between Phelim and his tenants and between Phelim and his neighbours. These were fanned by the activities of that floating and nomadic population, that always accompanied a system of tenures, where there was only one freeholder and all the rest mere tenants-at-will. As a result Wicklow, within a day's march of Dublin was what a modern generation would call "a proclaimed area", the local gentry who had land having to defend themselves as best they could. "I caught some more of them in Mullaghcullen wood, one of whom I killed and sent his head to your Lordship." [4] So wrote Mr. Eustace of Wicklow to the Earl of Cork. If it had not been for Eustace's firm stand Wicklow would have "flown out", because the Earl, then one of the Lords Justices, had been obliged to confess that he "had not the least means of extinguishing the petty rebellion in the Ranelagh and the O'Byrne's County". [5]

What had further added to the chaos was the affair of "the Graces". In 1628 Falkland had induced the Irish Lords to subscribe £ 20.000 a year to the upkeep of the Army. A deputation of the subscribers had gone over to London, and there, as a quid pro quo induced the bemuddled authorities to grant them a series of seemingly respectable "Graces". On not one of these "Graces" was the advice of Falkland or the Dublin Council taken. [6]

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1) Erck. pp. 12, 269—70, 143—151. C. S. P. 1634—52. 2) T. C. D. F. 3. 17. 3) C. S. P. 1630. pp. 509, 513, 580. 4) C. S. P. 1630. p 514. 5) Cowper MSS. I—425. 6) T. C. D. F. 1. 6. p. 57. C. S. P. 1641—276.

Those "Graces" dealing with Land tenures were disastrous. In Ulster all the Planters who had failed to fulfil their Covenants got a clean sheet for past misdemeanours, and fresh patents with milder covenants. The one justification for these Planters was their Covenants. There were always men anxious to expropriate them vi et armis. Once the Covenants were weakened, and evasions condoned, the "meaner sort" began to ask by what right were these strangers there? What was worse their old patents were often illegal, covering lands to which they had no title.[1] A grant of new patents legalized these illegalities, and, in a country that always suffered from the pangs of land hunger, a Crown sanction of notorious embezzlements was not calculated to make those without land loyal.[2]

The next "Grace" decreed sixty years possession was to be a legitimate title. Only 30 years before the Country had been in the throes of war, and there were expropriated men still clamouring for justice against intruders. This Grace established the intruders in perpetuity. It also surrendered all claim to the Crown and Church Lands on which men had "squatted" all during the Elizabethian Wars.[3] Worse even than that, it put a barrier against Plantations in Connaught, Ormonde, Clare, Wicklow and Carlow.[4] The only known method of giving the Crown compulsory powers over an area, to abolish feudalism and introduce the modern tenures, was to resuscitate an ancient Crown title of Plantagenet days, and, on the basis of absolute Crown ownership, deal with every estate in a drastic fashion. A Statute of Limitations barred this innovation. Once the "Grace" was published, it was known over a fourth of Ireland that the inhabitants were to be tenants-at-will for eternity. This was an innovation not calculated to assuage popular discontent.[5] A petition had already come up from Connaught praying for a Plantation to "break the dependency" on the Great Lords and make men "hold of the King".[6] In Ormonde men were lamenting that they were "poor and weary of their present condition", and did not scruple to describe their head rent to the Earl by the ominous title of "black rent".[7] In Wicklow Phelim MacFeagh O'Byrne, the overlord,

1) T. C. D. F. 3. 16. 2) C. S. P. 1627. pp. 263—4, 349—52. L. S. I—132, 158—9. 3) T. C. D. F. 1. 6. pp. 82—86. 4) L. S. I—320. C. S. P. 1641. p. 260. 5) C. S. P. 1625—1660. pp. 128—130. 6) C. S. P. 1641. p. 277. 7) Egmont MSS. I—65.

was waging a bitter war with tenants who "for thirty years or more were factiously bent for pretended title to part of the said Phelim's land", his brother and "the natives of the territory joining together to do the said Phelim and his sons all the mischief that they could", even to the point of riding up to Dublin, pointing out flaws in his titles, and bringing in powerful officials to fight their battles for them. [1] When Charles and his London wiseacres decreed that all the men in possession were to remain in possession, they forget that those not in possession, even if they had not Court influence, had swords, bludgeons, stones, friends and a knowledge of the Country. A trial before the Council Board reveals that an agrarian Commission of an O'Byrne complexion in Wicklow had suffered at the hands of the identical men who were now either raiding Phelim O'Byrne, or being raided in return. Sir Richard Greame and Thomas Greame were fined and imprisoned "for disturbing the proceedings of the Commission", having "marched to it in a warlike manner", "beaten and battered one of the witnesses", described the Court and the witnesses as "a company of garron stealers and rebels", and told an eminent K. C. that they "would pull his beard from his face, and make the hair of the crown of his head fall down to his nose". [2] Land Tenures, as can be seen, require tactful handling in Ireland. The "Graces" of Charles were certainly not calculated to soothe the wounded feelings of men like these.

At headquarters matters were even worse. The Government was divided agaist itself. The feud between Falkland, the Lord Deputy, and Loftus, the Lord Chancellor, had resulted in the recall of the former, the uproar in Wicklow, and all but wrecked the paltry contribution of the gentry, which barely sufficed to keep the Army intact. When, however, the Government was vested in Lord Loftus and Lord Cork as Lords Justices, Government business came to a sudden stop. "The honor of the State" wrote Lord Esmonde, "is imperilled by the Government being in the hands of two men". [3] Lord Cork's diary gives a gloomy account of the wrangles and ill feeling between the Irish Ephors.

"The Lord Chancellor without ever speaking or moving for my consent carried away home with him the sword of State."

1) T. C. D. F. 3. 17. 2) Egmont MSS. I—41. 3) C. S. P. 1631. p. 615.

"This day the Lord Chancellor never made any public speech unto me, yet I feasted him liberally." "The Lord Chancellor said there was neither honour nor honesty in so doing. I answered I never did anything that was not both honourable and honest, and it would be as well if he did the same. This renewed the unkindness between us, and so we entered the Church." [1] In 1631 Cork was writing to Coke, complaining that all his plans were "nipped in the bud", and that, whenever he achieved a success, "my colleague is contented to share in the applause thereof". [2] On another occasion he accused the Lord Chancellor of "maligning" him in Court, and using his judical position to deny him justice. [3] This feud was fast paralysing the whole Executive. One member of the Council complained that matters were in such a state that, if any man proposed anything "one side will frown on him as soon as the other smile". [4]

On Strafford's appointment to the post of Deputy Loftus wrote imploring his aid against "adversaries". Cork offered him his daughter in marriage, oblivious of the fact that the Deputy was already married. [5]

The one point of union however, between the Lords Justices, was the feud with the Vice-Treasurer, the Lord Mountmorris. Cork referred once to his "malice and displeasure" and hinted at "his partakers, their pens, tongues and displeasures". [6] There had been two angry scenes at the Council in which Mountmorris had refused to honour their warrants, angrily crying "I'll pay but when and to whom I please". [7] Part of the trouble was due to the fact that Mountmorris had heard that Cork was about to become Treasurer. [8] Mountmorris hastened over to England and held forth at length on the two Lords Justices, against whom it must be confessed much could be said. [9] This was a little way Mountmorris had. In fact he owed his Peerage and his position to the fact that he was kept by the London Authorities as a spy on the Dublin Authorities. Already he had the scalps of three Deputies to his credit. The quarrel was referred to the new Deputy and Cottingdon, the Chancellor of the English Exchequer, who

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1) L. P. l. s. III—5, 108, 206. 2) Cowper MSS. I. 425. 3) C. S. P. 1631. p. 626. 4) C. S. P. 1625—1660. p. 165. 5) L. S. I—64, 74. 6) Cowper MSS. I—425. 7) L. P. l. s. III. 59, 63. 8) Cowper MSS. I—437. 9) Cowper MSS. I—455.

reported that it was but a trivial matter, arising out of "little heats happening out between them, which might well enough have been spared on either side".[1], Strafford had cause to reconsider this non-committal attitude, when he himself could not get the money from Mountmorris to bring his train across to Ireland.[2], One has accordingly a certain sympathy with Lord Wilmot, the President of Connaught, when he remarked that "it would be well if the officials here did not dispute so much with one another".[3] But a few weeks before, his destined successor in the Presidency of Connaught, Lord Ranelagh, had given Lord Mountmorris the lie direct in the middle of Dame Street to the edification of all beholders.[4],

By what means and methods Strafford procured the supplies to carry on the Government is detailed in another chapter. The feuds between the high officials were, in their way, a blessing. Loftus and Mountmorris supported him against Cork and Wilmot. When those two had retired in disgrace Parsons, the Master of the Wards, lent him a hand to expose certain performances of Mountmorris.[5], Parsons was one of the few great officials who held his own all during this stormy regime, which performance he achieved by steadily enacting his official duties, keeping his mouth shut, and when he intrigued, burrowing so silently, that it was not till he was appointed Lord Justice on Strafford's downfall, that men became aware that he was a persona grata with the triumphant opposition.[6] He was a perfect official. His first letter to Strafford on his appointment suggests nothing, condemns no one, and postpones everything.[7] Strafford says of him "I found him the driest of the lot".[8]

Ranelagh, the President of Connaught, sided with the rising star after a few preliminary skirmishes. Son of the famous Dr. Jones, who played a leading part in the Elizabethan era, even to the extent of rousing the Connaught Lords to overthrow the Governor of Connaught, Ranelagh, now Governor in succession to Wilmot, was regarded by the Connaught Lords as their great protection against the Crown. Ranelagh, however, inheriting his father's shrewdness, sided with Strafford against the Burkes, and

1) C. S. P. 1632. p. 657. 2) L. S. I—73, 74, 3) C. S. P. 1630. p. 564. 4) L. P. l. s. III—7. 5) L. S. I—497. 6) R. C. p. 228. 7) L. S. I—64. 8) L. S. I—99.

against all the other officials. It was he who provided Strafford with one of the weapons wherewith to assail Lord Loftus, when that statesman tried a fall with the Deputy. [1]

Even Lord Cork forgot his injuries at the hands of the Deputy and appeared in the Star Chamber in London to detail what he knew about the barbaric old Lord Chancellor, who used to nag at his proposals and claim a share in his triumphs. [2] He was also a member of the Court Martial, which sentenced Mountmorris for "conduct unbecoming to an officer". [3]

Ranelagh however was never forgiven by the Great Lords of Connaught for his great offence in assisting to carry through Strafford's Plantation. Despite the fact that he played a part in the intrigue which led to Strafford's downfall, and held a seat in the English House of Commons as an enthusiastic friend of Liberty, and gave evidence against the Deputy, he found himself impeached and restrained and could never locate who it was that was behind his prosecution. [4]

In fact the Irish Executive at this period consisted rather of great brigands than great public servants. When Strafford wrote to them from England, asking for suggestions as to the best way of paying off the debt, and filling up the deficit, he received back a series of non-committal and vague letters, the most important feature of which was that the Coucil had not received its proper official allowance of wine. [5] "I have to deal", he complained, "with a generation that have the points of their weapons turned wholly to their own privates, but no edge at all for the public. Here they are as dull in one, as sharp and eager to cut out for themselves in the other. I see it is a maxim among them to keep the Deputy as ignorant as possibly they can, yet so albeit not in peace, yet he may be subordinate to them in knowledge, which I take to be the true reason that not any of them hitherto hath made me any proposition at all for the bettering of His Majesty's service". [6]

The history of Ireland at this period is still the history of its "Great Ones", whether great country landlords or powerful State officials. What we now call public opinion was still in embryo. It is true it could be reached and could make itself felt, but it had

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1) L. S. I—416. 2) L. P. l. s. V—117. 3) C. S. P. 1635. p. 117. 4) R. C. p. 228. L. S. II—414, 415. C. S. P. 1625—1660. pp. 248, 249, 341—343. 1641—273. Dom. 1640—266. 5) L. S. I—63, 64, 67—70. 6) C. M. VIII—5, 6.

to act through this oligarchy, and was usually moulded by the men of power. The Irish chiefs, the Pale and Connaught Lords, the new race of Undertakers and the great State officials formed one close oligarchy, associating together, intermarrying, working with or against each other, and forming a close combine, which neither religion or nationality affected in the slightest degree. Lord Cork, an English official of humble origin, married one of his daughters to Lord Barrymore, a powerful native landlord and the other to the young Earl of Kildare, a Pale nobleman of the Royalist class. Between Lord Chancellor Loftus, the pillar of the State, and the ultramontane and ever conspiring Barnewalls there were close family ties. Phelim O'Neill, the titular head of the Northern O'Neills, was a bosom friend and debtor of Lord Caulfield, the guardian of Charlemont, and the pillar of the law in North East Ulster. Despite the fact that he subsequently went "on his keeping" as the exponent of militant Roman Catholicism, as the champion of "dispossessed natives", he was at this time a Justice of the Peace, a Member of the English Bar, a pillar of the Established Church, the owner of 10.000 acres — alas! all mortgaged —, a persona grata in high places to the exclusion of his brothers who ambitioned those acres, and for a short time was member for the Borough of Dungannon, the majority of whose electors were English settlers.[1] Colonel Pierce Crosby stalks across the stage of Irish history as leader of the Recusant party in Strafford's first Parliament, as a subterranean intriguer between rebellious O'Sullivans and queer elements in Flanders. He was a Commissioner for the Ulster Plantation, a member of the Privy Council, a stout Protestant, married to a Recusant, the nephew of a Bishop, the son of a princess of the ever restless O'Moores, a Colonel in the Army and a political ally of Holland and Arundel at Court.[2] Lord Kilmallock, the Lord Chief Justice, had a son who was a stout Recusant, and the father was suspected of knowing more about the activities of the Spanish Party than he should.[3] Lord Aungier, the Master of the Rolls, used to sign Proclamations ordering every priest to leave the Kingdom, and was, at the same time, the patron and protector of the Franciscans in Dublin.[4]

1) Dict. of National Biography. H. I. M. I—204. 2) A. H. IV—180, L. S. 1—69; C. S. P. 1608—467. 1627—273. 1645—645. 1628—381. 1625—1660 p. 312. 3) C. S. P. 1628—323. 4) Franciscans M. S. S. p. 5.

Dr. Knox, the fiery Bishop of Raphoe, fulminating from his Northern diocese all the odium theologium of Scotch Calvinism, found time to remember some mysterious link with the Roman Catholic Clandonald, which drew down on him a Royal rebuke.[1] Dr. Rothe, the Roman Catholic Bishop of Ossory, belonged to a family bound by indissoluble ties to the Butlers, and rage the storms of political theology e'er so fiercely, this stern old divine could see no good in "novae res" or anything calculated to alter a status quo, whose pillar was Lord Mountgarett.

It is to be feared that those who try to read Irish history on the basis that there were two races and two religions in Ireland, and that between these two there was a deep gulf will soon find themselves astray, amazed and confused by the cross voting, cross currents, alliances and enmities. Such an unnatural division is the mere emanation of the political polemicists of a later generation. At that time men and parties coalesced and separated for reasons good, bad, and indifferent, on issues of great importance in their eyes, they knowing their own business very well.

What Strafford therefore found in Ireland was not a monarchy nor a Parliament, but a powerful independent oligarchy. For forty years the Irish chiefs, the Anglo Irish Lords, and the Great State Officials had ruled Ireland, reinforced by, allied and intermarried with the merchant class, English and Irish, who either as undertakers, purchasers, or mortgagees were spreading over the country and being submerged in the aristocracy, a phenomenon common to all countries and all times. Behind this combine lay the vast welter of social discontent, the landless creations of clandom and feuldalism, and the outcome of the transition period from the old to the new tenures. These constituted a menace to country. Dependant on their lords, with nothing to lose, they were the inflammable material that any Irish Lord could let loose at any time that he felt so disposed.

The struggling cities too sheltered a mass of unskilled labourers, who appear now and again to make a crowd in moments of excitement. The fact that Blagnall, the iron worker, the Tipperary Mining Syndicate, and Strafford's linen looms required imported labour shows that traditional skill had perished in the Elizabethian

1) Laing M.S.S. I—132.

wars, and had not yet been revived on any large scale.[1] The absence of skilled trades men was the great difficulty at this period that beset the anxious statesman and the zealous adventurer.[2]

To compel every Undertaker to create freeholds and grant leases, to break up the vast power of the Connaught Lords, to force men with defective titles to take out new patents, studded with Covenants like those of the Planters, to shift taxation on to great possessions, to throw open the ports to commerce, to remove restraints on legitimate trade, to impose them on the corn hoarder and the monopolist, to encourage the creator of industry, and to give cheap justice to "the meaner sort" was the general policy by which he essayed the task of breaking the power of the triple alliance of feudalism, plutocracy, and bureaucracy, in the hope of "making the subject have his dependance, not on the great Lords but on the King". These features of his policy I deal with in later chapters.

In Irish politics however the personal equation looms very large. At that period the Irish Lord and the Irish official played very much the same part as the demagogues of a later day. Each represented a large following of friends, relatives, and retainers, and his object in life was to consolidate that following by doles at the expense of the general community, just as in modern days the demagogue seeks to impose his particular class or combine on the taxpayer and on the commonality. If we find, as we shall, the means, methods, and objects of these great political brigands somewhat sordid and unlovely, we must remember that they, no doubt, salved their consciences by the reflexion that their motto was "pro bono publico", save that their idea of the public was their local areas or retainers. The Earl of Cork, for instance, fell foul of Strafford, because, when Lord Justice, he had exempted his own estates from taxation, imposing his own contribution on less fortunate areas. As a result three Munster towns rejoiced and blessed "the Great Earl of Cork".[3] Lord Wilmot, who parcelled out the Crown lands of Athlone amongst his retainers for a moderate sum, actually defended himself to Strafford on the grounds that he had "built a town" of great benefit to the neighbours, and indignantly asked why he should be harried and

1) C. S. P. 1625—1660. p. 75; Tracts and Treatises. Thom. pp. 115—120; L. S. II—19. 2) T. C. D. F. 3. 16. 3) R. P. VIII—26.

others who had done worse pass unscathed.[1] We must accordingly regard the malpractices of the Irish Governing classes with a tolerant eye. Human nature refuses to visit severely the actions of diplomats, acting for their country, or statesmen intriguing for great reforms. Each of these men had each his separate following of hungry retainers who rejoiced when their master "passed away" an escheated estate, or laid hands on a Church impropriation. The Earl of Cork, who plundered the Church, and "passed away" estates by most devious methods was the financier of hundreds of decayed gentlemen. The old chiefs of the septs found it very hard to make ends meet by selling butter and wool, and keeping accounts, and paying their debts. In the Lismore papers we see these gentry regarding the Earl of Cork rather in the light of a milch cow, borrowing money, frequently without security, nearly always without interest, and sometimes without repayment. If he made a scoop, all over Cork and Waterford there was rejoicing, and, if an estate fell into his hands, he took very good care to propitiate honest and decayed gentlemen by "parcels" at low rents.

To tackle such great men as these with so many friends required courage, and it was the task Strafford set himself.

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1) Cowper MSS. II—75.

Chapter II

THE ADMINISTRATION OF JUSTICE

> I left the Kingdom generally from sea to sea in such universal quiet and obedience as the same hath not been known at any time heretofore, so as men might safely ride from place to place without disturbance or danger, every man possessing his own in peace, their cows being abroad quietly in the night, and the subject being generally obedient to all process, letters, und commandments, not knowing of any one men that stood out with three swords to follow him against your Majesty. To be brief in all appearance they honoured, loved and gladly obeyed your Majesty throughout all the parts of the realm.
>
> Sir John Perrott.

The defect that underlay the general decay of Irish society at that epoch was the lax administration of the law. In theory all men were equal in his Majesty's Courts. In practice justice was only at the disposal of those who had influence. When we wonder why thirty years of peace had shown so little improvement, we must remember that property was almost as unsafe then as it was in the period of the Civil War. Once when the Earl of Cork took an action against a country clergyman Strafford made the following comment to Laud "Your Lordship may judge what good measure the poor man may expect from a jury against the Earl".[1] Nor was this a mere personal opinion. The Earl records in his diary that a member of Parliament told him to his face that "he had nothing but his greatness to show for his title.[2]

It stands to reason that family, feudal, and agrarian influence served to intimidate juries. Frequently some glaring scandal would compel the Crown to step in and prosecute some powerful Lord for threats uttered against jurors at the Council Board.[3] This

1) L. S. I—380. 2) L. P. I. s. IV—80. 3) T. C. D. F. 3. 16.

Court was composed of great officers of State, and was instituted to try cases too great for the ordinary Courts. It was the only Court "greatness" could not intimidate. Its chief duty was to indict powerful men for intimidating witnesses and jurors. The reports of those trials revealed widespread contempt for the Courts of Justice amongst the men of power, and the men with crowds at their command. On one occasion such great men as Lord Gormanston, Christopher Plunkett, and William Fitzwilliam, and thirty others, attacked a litigant and his witnesses with swords in Dame Street, wounding one severely. [1] On another occasion three leading lights of the noblest birth in Cork" gathered a great multitude of armed men", seized on a house in the jurisdiction of a Court, and defied the Sheriff with rude words and ruder blows. [2] One of the many cases of censure of country squires discloses "corrupt oaths, champerties, maintenances, subornation of false witnesses, imbracery of juries". [3]

Nor was the disease confined only to those who had been long resident in the Country, and who might be pardoned for catching the local infection. Strafford's iron hand fell heavily on Sir Frederick Hamilton—a persona grata at Court—for "barretry" and undue influence, and the Grand Jury of Fermanagh called on the Crown to indict and try Wm. Poe, a wealthy planter, as "a common barrator and a public disturber of the peace". [4] Even after this period, in the reign of Charles II., when one of the cases, originally tried by Strafford, came up again before the Common Law Courts, the following is a letter written by one of the litigants, who was a scion of one of the noblest families in Ireland. "It is fit to provide for the worst. I send you one (letter) for Sir John Bellew. I send you another for my brother-in-law. I send you another for Mr. Coghlan, who may be very useful. He is my relation and related to some of the jury. You have several good men on the panel. Mr. Forth is one, and he is my relation. His sister is here. I hope to get her to write to him. Captain Baldwin is my tenant and his daughter is here, who will write to him and to her brother, being both on the panel. If one man of the jury stand out against the rest it will do well. I acquainted my Lord Privy Seal with this proceeding. I am sorry you did

1) Egmont MSS. I—25. 2) Egmont MSS. I—30. 3) C. S. P. 1625—1660 p. 82. 4) L. S. II—285; C. S. P. 1625—1660 p. 133.

not send me the names of the judges, who go on the Leinster Circuit". [1] Strafford has been censured by orthodox history for trying this case at the Council Board, instead of in the ordinary courts, but this letter shows how it was tried, when it was remitted to the ordinary courts twenty years later.

What earthly chance of success had the ordinary man, a stranger in a district, or without great connections, or lacking in the wealth that attracts friends, against the powerful Pale Peer who could deal with judges and jurors like this? Few landed titles at that time were watertight against legal onslaughts. With this menace of illicit influence in the Courts of Law brooding over agriculture and commerce, we can understand why men were not prone to build, improve, till and generally labour and spend for future profit. One of Strafford's boasts, after a few years, was that "the public justice of the Kingdom was dispensed without acceptance of persons, that the poor knew where to seek and have his relief, without being afraid, to his Majesty's Catholic Justice against the greatest subject; the great men contented with reason, because they knew not how to help themselves or fill their greedy appetites, where otherwise they are as sharp set upon their own wills as any people in the world. That was a blessing the poorer sort, this a restraint the richer had not been formerly acquainted with in this kingdom. The ministers of Justice now declined to serve other men's unwarrantable purposes by any importunity or application. Common justice, formerly turned to oppression, is now honestly administered". [2] When we are estimating the causes whereby Strafford left Ireland in a blaze of triumph, we must remember that one was the restraint he imposed on powerful persons and factions, who swayed the Courts of law and packed the juries to the denial of the ordinary liberty of the ordinary subject. Of him it was said by one of his minor henchmen. "He has pulled down the mighty from their seats, and exalted the humble". [3]

It has been the fashion to represent this reorganization of the forces of law and order as some undesirable interference with the liberty of the Subject. The Irish subject had no liberty at this period. He had instead licence, and that is a boon which

1) H. M. C. IX—329. 2) L. S. II—19. C. S. P. 1636—132. 3) English Historical Review, IX—549.

honest men do not ambition. Despite Jacobean legislation and the alteration of tenures the feudal incidents were still exacted in Connaught by the Connaught chiefs, in an era too when their justification was long since dead. These incidents of "coshering", "horsemeat and man's meat for such company as the Lord wisheth" are described as "the ruin of housekeepers and the discouragement of industry". They were illegal yet they existed in the remote parts. Nevertheless few dared complain to an Assize Judge, when the case had to be tried by a Jury, drawn from the relatives of the offender. There was even worse than this. The chiefs were still very barbaric in their ways. They and their reigning kinsmen possessed an extraordinary number of illegitimate progeny, usually yclept "younger sons of gentry". As professions had not yet become respectable, and as trade was a vulgar pursuit of churls in the days of James, this extraordinary relic of a bye-gone civilization had to be supported by the farmers, sometimes by "coshiering", and often by blackmail. No small number of the Irish Lords and Gentry had in their patents "waifs and strays". It was common, very common, for this lawless retinue to create "strays", by calmly seizing cattle. If tackled by a courageous Sheriff they retired within the Lord's manor, into which the Sheriff had no legal right of entry. If this failed, these extraordinary gatherings, sheltered and protected by the Lord, flitted into the next County, where a new Sheriff had to be galvanized into action. If this barrier in the path of justice was surmounted, there was one last loophole—the pardon. The Lord would ride to Dublin, and there, by his personal cajolery, or by gifts of a substantial nature would elicit "a pardon in hope of good conformity in the future", and then all would begin de novo.[1]

Feudalism in its wane produced these very ugly symptons, which pressed very heavily on "the painful people". The Stuart era marks their slow suppression, and the Strafford regime their end. When a defective Title was brought in for composition, these manorial privileges were struck out, and "waifs and strays" made a Crown monopoly. The previous Deputies had harrassed the kern. Strafford prosecuted the Peerage and the Chiefs, their instigators, patrons, and, in some cases, it is to be feared, sharers in their

1) T. C. D. F. 3. 16.

takings. Lord Ranelagh, for instance, was on bail for a long time, while a case of this nature was being examined.[1] Sir Theobald Burke was twice fined in the Castle Chamber, once for intimidating a Juror, and once for striking a Court Official. A series of Acts were passed enabling Sheriffs to prosecute for murder men who had committed the deed in another country, making accessories also liable to prosecution, and enabling Judges to restore to their possessions men forcibly evicted.[2] Sheriffs and Corporation Bailiffs were restrained from using their right of executing distress to exact blackmail.[3] Arrangements were made for the erection of gaols. Parliamentary privilege was to be no longer a protection for a Peer or a Commoner, when Parliament ended. Sheriffs, Bailiffs and Constables were made liable to prosecution if they allowed, in their areas, any to "walk up and down and cess themselves upon the poor people", or to intimidate them by threats of inserting their names in "a scandalous rhyme or song".[4] The "arbitrary Government", that had restored England after the wars of the Roses, was now coping with a similar chaos in Ireland.

The first case of "restraint" on a powerful subject was curious. The Council has sought to repair the deficit in the Exchequer by enforcing the Recusancy fines. Strafford by an appeal over their heads to the rural gentry, had procured instead a Benevolence. After this had been arranged, with the consent of all parties, a fiery petition from the gentry of Cavan and Fermanagh was published, denouncing the idea of a contribution, clamouring for the Recusancy fines, and as Strafford puts it, "mutinying against the contribution". What lent the sting to this revolt was that it was signed by Four Members of the Privy Council, Lord Balfour, Sir William Cole, and two Bishops, one of whom was the famous Dr. Bedell. In Sir William Cole's case the matter was more serious as he was an officer in the Army and Governor of Fermanagh.[5] For these to sign such a petition, after the new policy had been adopted by the Deputy, on petition by the Lords and gentry, was not only equivalent to a modern Cabinet split, but was lese Majeste. Outside the Council all its Members were

1) R. P. VIII—468. 2) Acts. 10. Car I. Sess 2. Cap 19; Sess 3. Cap. 13.
3) Act. 10. Car. I. Sess. 3. Cap. 19. 4) Acts 10 and 11. Car. I. Sess 14. Caps. 4,16.
5) C. S. P. 1625—1660. p. 83.

supposed to be unanimous, and for a Privy Councillor to intrigue with the critics of State policy was sedition, and a very serious offence. Cole, Balfour and Dr. Heygate, the Bishop of Killala, were instantly arrested. On Strafford's arrival they were tried before the Council Board. Cole and the Bishop were released on an apology. Balfour was sent over to England under escort, his offence being more serious, as he was a Peer of the realm. After a second submission there he was released. Dr. Bedell's case was different as his manifesto was much milder. Laud went bail for his good behaviour, and he himself explained to Strafford that what he had done he had done without guile and for reasons of high theology, without any ill will to lawful contributions.[1]

The effect of these proceedings was twofold. It stopped once and for all a repetition of Lord Loftus' practice of canvassing private persons to refuse supplies, when the rest of the Council were trying to extract them. It also gave the country a much needed example. For the future high position was to be no exemption from legal penalties, but on the contrary something from which a stricter standard was to be demanded.

Naturally this prosecution strengthened Strafford's position, while the general odium in which Lord Balfour was personally held, made it unlikely that any powerful cabal would make his fate a popular issue on which to fight the Deputy. The first circuit of the judges discovered a great crop of local exactions committed by that Peer. Strafford wrote to London, demanding that he be sent over instantly for trial in the Castle Chamber, on the ground that "drunk with violence he hath with unequal and staggering paces trod down his Majesty's People, like Cacus in his den".[2] He was despatched and heavily fined by the Council Board.

The next penal case was certainly a startling one. It affected Lord Kilmallock, the Lord Chief Justice, who had the reputation of being a severe and "hanging judge".[3] He came of a family with considerable territorial ramifications, from which, at a later date, sprang the famous Sarsfield. One had been Sheriff of Kildare in Queen Elizabeth's days.[4] His son one of the most powerful Recusant landlords in County Cork sat as member for the

1) L. S. I—88, 97, 133, 146—9. C. S. P. 1633—11. H. V. C. VIII—37.
2) L. S. I—245. 3) C. S. P. 1629 — 433. 4) C. S. P. 1594 — 491.

City. [1] In the dispute between Falkland and Lord Loftus, he seems to have been on the side of the former.[2] This would probably explain how his misdeeds came to Strafford's ears, as Lord Loftus was an enthusiastic Straffordian till about 1636. As, at this time, Strafford did not feel strong enough to tackle this powerful Judge, who, we may be sure, would have been only too ready to attribute his prosecution to his leanings towards Recusancy, he reported the case to the Privy Council in London, and sent him over the water for trial before the Star Chamber.

There lived in Kildare a certain Philip Bushin, who seems to have been by no means a respectable or law abiding person. Despite his wealth and position he had been four times "on his keeping" in the reign of King James. He used to throw things at his wife and, within six weeks after her death, when "he buried her hot", he married another lady, whom, after the custom of the day, he used to beat, when her conduct was not to his liking. The death of his first wife aroused suspicions, and Kilmallock was sent down to try the case, as he had an intimate knowledge of Irish, none of the witnesses being able to speak English. The Sheriff was Sir Henry Belling of a family, one of whose scions was subsequently Secretary of the Catholic Confederation. When the case came up for trial no witness was able to swear that the wife died as the result of a blow. On the other hand Kilmallock refused to admit any witness for the defence on oath, holding it was a case of treason. The trial was held in camera. The Jury who refused to return a true Bill were fined and browbeaten. By itself this was nothing, as Irish Juries were very reluctant to bring in a verdict of guilty against one of their own friends, and the Crown frequently tried to wake them up to their duty by fining them in the Castle Chamber. The second jury, however, which found Bushin guilty, pleaded that they had been intimidated. On Bushin's execution Kilmallock issued a writ to the Sheriff who had got up the prosecution, to seize on the estate, and then the pair divided it between themselves. Subsequently it leaked out that Bushin's wife had died of dysentery.

The charge against Kilmallock and Belling was that they had

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1) C. S. P. 1625 — 1660. p. 309; 1634—63. 2) C. S. P. 1625 — 1560. p. 118.

trumped up the whole case, misused their functions, suppressed evidence, intimidated the jury, and then seized on the estate. Despite the fact that they were defended by Sir John Finch, subsequently Lord Chancellor, they were found guilty by twelve out of the fourteen judges. Of the two who voted not guilty, one held Bellings guilty of malicious prosecution, and Kilmallock only of miscarriage, while the other adopted the principle that the Star Chamber should not interfere with a case, once it was decided in a Court. Bellings was fined £ 2.000 and imprisoned. Kilmallock was fined £ 5.000, ordered to restore the estate to the family, deprived of his office and imprisoned. [1]

The very fact that such a thing could occur shows that the Bench must have been seriously demoralized. The standard of the judges was low. They were paid even less than a Petty Sessions Clerk is to-day. The inevitable result was that they had not sufficient to be independent, nor were they able to afford to keep a conscience. Kilmallock's defence that Bushin expected to get off because he had influential friends—his second wife was Falkland's illegitimate daughter—only further serves to expose the nature of the administration of justice. [2] The case, coupled with the frequent complaints against the judges, and against the composition of the juries, explains Strafford's undoubted hostility to the Irish Law Courts. In his opinion they were so entangled with local interests, and personal and political ambitions, that he deliberately set himself to create a Court which no combine or faction could dominate, so that the final say in matters of arbitration should come from the Central Power. It was his development of the Castle Chamber that so alarmed public opinion in England, where men were in the habit of regarding Courts and juries as the protection the subject had against local tyrants and local factions. Suffice it to say that, after this Kilmallock Case, no other judge — save Lord Loftus — allowed himself to wander off the straight path. The Kilmallock party, however, turned up again on the stage of Irish politics. Along with Lord Maguire and Lord Gormanston and about two or three other peers, Kilmallock tried to induce the Irish House of Lords to pass a resolution, condemning Strafford's Vice-Royalty, on the eve of his arrest. The attempt however

1) C. S. P. 1633. pp. 26—31. 2) P. R. p. 406.

failed. [1] He then adjourned, on his own initiative, to London with his colleagues, and in the guise of "the representatives of the Irish House of Lords" they presented a petition to the King accusing Strafford of, amongst other things, "turning officers out of their places, and selling or giving them to his own men, and putting bad people into the Commission of the Peace, leaving out the nobility and other prime gentlemen". [2] He last appeared as a witness at Strafford's trial to prove that he had described Ireland as "a conquered nation", and then retired into private life. [3]

The development of Irish law had been seriously retarded by the disturbed state of the Country. The very fact that the Army was always under martial law, and worked under a code of rules, similar to that which we impose on Active Service, will give some idea of how different were the political conditions between Ireland and England, where, if a Soldier misconducted himself, he had to be handed over to the Civil Authorities. The power of chieftains and lords in their areas, the relics of the clan system whereby juries always acquitted one of their own clan, and used the Courts to perpetuate local vendettas, the rise of the religious question which was influencing both the juries and the Bench, the difficulties of enforcing writs by the ordinary procedure, with its forms, delays, and regulations, all these complications had made it absolutely necessary for the existence at headquarters of a Court, as far removed from these broils as possible, and able to act promptly and quickly. As Strafford one time put it Ireland was still in the same condition as England at the time of the Wars of the Roses.

It was in the reign of Henry V. that the Star Chamber had been created in England to deal with exactly a similar situation. In Henry VII's. reign it had been definitely established as a Standing Court, to try cases of default of Sheriffs, "maintenance and embracery of juries". Its powers were gradually extended to cover "crimes such as receive no special punishment by either the Common or the Statute Law", such as blackmail, "a release made by extremities", "writs founded on untrue suggestions", and a host of other offences, of which the Law took no cognizance then, partly through the rarity of Parliaments, and partly through their unwillingness to pass Acts, which struck at the prerogative of violence

1) T. C. D. F. 1. 4. 2) C. S. P. 1641—262. 263. 3) R. P. VIII—172.

that the aristocracy were unwilling to forego.[1] The Council Board in Ireland corresponded closely to the Star Chamber in England, and should not be, in any way, confused with the Castle Chamber, which was a personal Court of the Deputy and had far less power.

The cases which used to be tried before the Council Board in Ireland were those which could never have been left to an Assize Court. They consisted of quarrels between heads of clans, prosecutions of noblemen for assault, battery, and "reflexions on ancestry", conspiracy with a religious flavour, all those curious mediaeval breaches of etiquette, of which the Common Law knows nothing, or serious offences which the Law visits gravely, and yet, through the conditions of the country, require to be handled with tact and in camera. When a great Irish peer stripped his daughter and flogged her to death the case was "a matter of State", involving grave issues and secret handling, and certainly not one to be entrusted to an ordinary judge and a common jury, composed either of his enemies or his retainers. When one of the Burkes said Lord Clanricarde was illegitimate, it would have been dangerous to leave the case to a libel action in one of the Lower Courts. On that case depended the hegemony of Connaught, and a blunder might produce a Civil War.[2] When the Earl of Cork, who was related to half the judiciary, sued for riot and breaking down his weirs in Castle Beleek, Tibbott Burk, the brother of Lord Mayo, — a King among the Mayo jurors — a trial at the Assizes would have been madness. Strafford saw that this case was taken out of the power of the lower Courts.[3] When the Dutch merchants denied the Dublin Corporation the right to collect coquet duties from them, it was obvious that no Dublin jury could be impartial.[4] These and a thousand other different issues, frequently touching on "matters of State", made it vitally necessary for the protection of the subject, as well as the peace of the Realm, that the Imperial Power should be consulted in any decision.

Nor was this practice unpopular with the minor men. The State Papers teem with applications on the part of those, not belonging to the regnant families, to the Council to exercise its

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1) R. I. A. P. III—13. 2) Egmont MSS. I. pp. 11, 34. 3) L. P. I. s. IV—7. 4) C. S. P. 1625—1660. 332.

prerogative, and take some case, in which they were interested, out of the hands of the judges, and try it themselves: "Butler is trying to get the case sent for trial by common law at Tipperary", wrote one of these minor gentry. "Here he has suborned witnesses, and his local power will enable him to fulfil his designs." [1] Even after Strafford's downfall, when "arbitrary Government" was on the wane, the Council — though it comprised not only judges, but men partial to the new order — unanimously reported that "the Lord Deputy should have power to redress injustices done by the Courts, and also done by more powerful men upon the weaker". [2]

Later when the "precise party" in England got the upper hand, and tried to enforce on Ireland the worthy and estimable code of law in force in England, every man on the Council made an eloquent protest against the introduction of judges and juries as the one Court of Appeal. "We must preserve inviolate the grounds which the wisdom of our ancestors have laid here. There is a great difference between the condition of England and this kingdom. England has enjoyed the happiness of peace for a long time. Ireland has been but of late reduced from confusions, wars and rebellions. It is necessary to uphold the powers of the Deputy and the Council, to break the old Irish combinations and dependence, to interpose in the causes of men mighty in power, or eminent in place, that this people might see that dependence only on the King, and not on any Irish Lord, was their safest and most comfortable way". [3] Pym and the "precise party" however were so confident that the millenium lay in the glories of the Common Law, the Magna Charta, the Petition of Right and other sonorous remarks on parchment that they carried their point, and, from that time on, a tenant of Lord Clanricarde's, "dashed" by a jury of Burkes, could console himself with the thought that, if he had lost his case, at least he had lost it according to the noblest principles of Liberty and the British Constitution.

This declaration on the part of the Council also gives us an insight into the very curious relations between the Monarchy and the Great Lords. It gives, as an additional reason why this Court should be presverved, the prevention of Common Law litigation

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1) C. S. P. 1625—1660. p. 286. 2) C. S. P. 1625—1660. p. 250. 3) H. M. C. IX — 310.

amongst the aristocracy, such litigation tending to "the wasting of their estates". In examining the cross currents of this period we must never forget that between the King and the Irish aristocracy, be they Great Lords or Chiefs of the larger septs, there was a relation almost inexplicable to this generation, in which the Sovereign adopted the pose of a severe yet paternal taskmaster. The King interfered in their family affairs, gave them gifts of money out of his coffers, and on occasions placed them under arrest for brawling.

It is true that, in the process of time, the Royal prerogative of justice and mercy had devolved on the Courts of Law, but in Ireland it had never surrendered the right in toto. It could and it did do what it pleased with common and statute law, for the obvious reason that Parliaments, belonging as they did to a special class, could not be trusted, either to enact or modify laws, which the Common weal demanded, and their "particular ends" denied. In Chichester's time the Council Board actually went so far as to declare that illegitimacy, if accompanied by possession, was no bar to a title of inheritance, and that all titles by gavelkind were good in English law. Such an extension of the prerogative would make any lawyer's hair stand on end, and yet, without this decision, nine out of every ten titles would have been escheated. [1]

The conditions of the country were such that Parliaments could not be summoned to impower the judges to deal with certain offences. When they did meet they were so uproarious that everyone was only too delighted when they were dissolved. A large gathering of country gentlemen in Dublin with their retainers, all armed, was no joke for the citizens. Nor was it only the feudal gentry which made Parliaments such dangerous assemblies. "The Parliament should be deferred", wrote an official of long experience. "The Lower House of Parliament of the English, consisting the most part in martial men, some officers and clerks, and others very young, and the most part wearing rapiers, which I think surprised some of the Irish with fear". [2] Strafford forbade the Members of his Parliaments to wear swords. The legislative output of these bodies too was always marred by "embroilings of the debate" which generally resulted in a blank legislative record.

1) H. M. C. IX—311. 2) C. M. S. p. 443.

Perrot's Parliament rejected the great majority of the Bills laid before it. Chichester's was prematurely dissolved.

In 60 years there had been only these two Parliaments. The result was that the Statute Book had not kept pace with the times. The judges were accordingly unable to deal with a large number of offences. The Council Board had the power to issue a Proclamation, and punish for its contempt. Strafford to a certain degree remedied this. His first Parliament passed a regular code of Statutes of the most varied nature. This code freed the Council Chamber from a mass of petty cases, and enabled it to concentrate on cases of equity, intimidation, and interference with juries. It is a mistake to assume that Strafford extended the functions of the Council Board. On the contrary he relieved its congestion.

There was however another Court called the Castle Chamber. It had been created in the Vice-Royalty of Sussex as a Sub-committee to the Council, to enable the larger body to concentrate on State affairs. [1] It consisted of the Deputy and three of the Senior Judges. [2] It never achieved the powers of the Council or the English Star Chamber. It could deal only with land cases, where the lands were Crown property, such as Plantation allotments or Church impropriations. It had no power to over-ride Statute or Common Law, or to deal with questions of inheritance, save as an arbitration Court with the consent of both parties. [3] It could punish for riot, embracery, seditious words etc., such being always a Royal prerogative, but its legal functions were severely restricted. [4] Strafford was forbidden "to meddle in any case between party and party, or any matter of inheritance, or with any cause in issue in any other of the Courts". [5] It was no part of Royal policy to give the Deputy's personal Court anything like the powers of the Irish Council, or of the English Star Chamber.

One power however was reserved for this Court, and that was the right to hear in forma pauperis cases by the simple method of a petition. This prerogative, of course, gave the Deputy no scope to extend his powers, as cases of this nature only involved "the meaner sort", a few pounds, and a few acres. This prerogative Strafford utilized to an extent no Deputy had ever done before

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1) Fiants. Elizabeth 565. 2) C. S. P. 1639—238. 3) L. S. 1—201. C. S. P. 1641—253. 4) R. P. VIII. pp. 208—11. 5) H. V. C. III—155.

for high State reasons. His object was to get it once and for all into the heads of the country, that, no matter how great a subject was, no matter how large his local following might be, "the poor might know where to seek for relief without being afraid".[1] One of his naval captains says that, at one period, he was actually sitting four times a week to hear these appeals, and "gave great content to the country".[2] At his trial he defended the Court on the grounds that it was the only one on which the Native population could rely as an alternative to the dubious method of "going on their keeping". "The poor Irish", he said, "could not be debarred from remedy on petition without a universal outcry, being not acquainted with legal forms and beggarly. As the case stands with the Government and people of Ireland, there is a necessity that this power that hath been thus at all times in the Deputies should still remain there for the relief of the poorer sort of the people, who are not able to undergo the long circuit of legal proceedings, nor are acquainted with them, and must be drawn to it by degrees".[3]

The secret of the peace of Ireland during his regime — it was the only one of the three Kingdoms that was quiet — was that the ordinary plain subject was free from oppressions through the medium of this Court. The Elizabethan wars had been caused by great subjects seeking to oppress the meaner sort, by a condition of affairs in which men rushed for justice to the hills and woods there to live by the sword and by plunder. It was the first and last time in Irish history that the anarch, the faction, and the man with a following was restrained, and, as the Speaker of the House of Commons put it, "every man became a regulus or little King of his own mole hill".[4] Only one of these in forma pauperis appeals was resuscitated at his trial. It was the case of Rolleston versus Mountmorris. So shocking were the details, and so just Strafford's decision, that the prosecution were compelled "not to insist on the merits of the case", confining their harangues to his right to try it at all.[5]

Such a Court was bound to create enemies if administered effectively, but it created a storm when it proceeded to exercise to the hilt its function of trying cases of Church Impropriations.

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1) L. S. II—19. 2) C. S. P. 1633—14. 3) R. P. VIII. 210, 211.
4) H. C. J. I—136. 5) R. P. VIII—212.

The real secret of the Revolution in Scotland and England was the determination on the part of the feudal aristocracy and the landed gentry to capture the Church lands for their own uses. No rhetoric, no appeals to Liberty and Religion can obscure the fact that the driving force of the Parliamentarians and the Covenanters was the existing or would be impropriators of Church Lands.[1] When the Castle Chamber asked the Irish impropriators to produce their titles, it was equivalent to a modern government serving a quo warranto on the owners of the coal mines. There was scarcely a family of any note which had not "passed" to itself episcopal or glebe lands by long leases for nominal rents.[2]

In Ireland there was no law on the Statute book restraining a clergyman or a patron from alienating the Church lands, while the Statute of Mortmain forbade the pious to leave the Church an acre of their possessions. The results can be easier imagined than described. James, however, had issued a proclamation forbidding any leases to extend for a period of more than 21 years. The rising common lawyers, however, sniffed at proclamations, their validity being not recognized in their legal Korans. The Council Board had a conscientious objection to enforcing the Proclamation, as every Member was an impropriator. The Deputies had enough storms whirling round their shaky thrones without stirring up this hornets' nest in the Castle Chamber. Strafford, however, was made of sterner stuff, and one of his first acts was to harangue the Council on the propriety of surrendering their long leases, and taking instead leases for 21 years, a scheme of composition being inaugurated for bona fide purchasers. All the Council, in the interests of propriety, agreed, save one, Richard, Earl of Cork. "My Lord of Cork was not so quick of hearing, whereupon he was called to the Council Table and the business was debated publicly." Cork gave reasons of high State policy why he should not obey the Proclamation, and why the Deputy should agree to his exemption. "I will be glad", retorted Strafford, "to do your Lordship any service, but I will not take the fire out of another man's house and put it into mine."[3] Lord Cork was adamant, and had to run the gauntlet of the Star Chamber, where he pleaded that there was

1) R. P. VIII—763, B. H. p. 29. 2) T. C. D. F. 3. 16. 3) H. V. C. VII—293.

nothing against his leases but a mere "Act of State made in King James' time and Lord Grandison's Government, both dead", which for a Privy Councillor revealed a lax morality. "Great as you are, my Lord", came from the Deputy's throne, "I will make you and all the subjects of Ireland know that any Act of State, made, or to be made, shall be as binding on you and the subjects of Ireland during my Government as any Act of Parliament".[1] Thus did Lord Cork lose his impropriations, and depart revolving many things in his mind, and treasuring up these words for recital eight years later in Westminster Hall, where the audience gasped at the blasphemy of such unconstitutional language.

It is singular how very few cases from either the Council Board or the Star Chamber were brought up at Strafford's trial to prove "treason and subversion of the fundamental laws". In those few the Prosecution were singularly unlucky. The case of Rolleston versus Mountmorris was the only in forma pauperis Star Chamber appeal brought up for examination. Many years before Mountmorris and some others had rented from the Rev. Richard Rolleston part of his Plantation allotment in Armagh. In addition to being a landlord the Reverend Gentleman was a projector on a small scale. He had the sole right of erecting windmills in Ireland.[2] By law no owner of Plantation Lands could sublet to a tenant who had not then, or did not, within six months, take the Oath of Supremacy. Mountmorris — and perhaps the others — did not take the Oath within the specified time for some reason or other that did not come to light. Accordingly by strict law Rolleston's allotment was escheated, even though Mountmorris belonged to the Established Church, that is if any Church cared to have the honour of claiming him.

Mountmorris and his friends suddenly bethought themselves of this "gownsman's whimsicality", and defied Rolleston to evict them under threats that they would expose his misdemeanour, and what little he had left of his estate would be escheated to the Crown. Blackmail is probably the best term to apply to such a transaction. Rolleston, being by now all but a pauper, sued on a paper petition before the Castle Chamber and recovered his lands. The prosecution at Strafford's trial were very unwilling

1) R. P. VII—176. 2) P. R. J. p. 412.

that these facts should come out, and when Strafford began to refer to the details of the case they "insisted not on the merit of the cause as being not material". The case of Lord Mountmorris turned out a broken reed. The lands were Plantation lands. The litigant sued in forma pauperis. Even in England it would have been a Star Chamber case, as constituting "a release obtained in extremities".[1] Nor was it a case that could be tried by the Common Law, being an Equity Case, and thus Strafford had interfered with the rights of no Civil Court. Add to this that Chichester and Falkland had frequently tried equity cases for title in land, and "treason" or "subversion of the constitution" vanishes from the case. What was more awkward was that Strafford had been assisted in his decision by Lord Chancellor Loftus, who was one of the witnesses for the prosecution at his trial, and accordingly, if the Deputy was guilty, he too was guilty. Mountmorris had been committed for contempt of Court in refusing to make over the lands, but as the Castle Chamber always had power to commit for contempt, neither in strict Law or ordinary equity could a case against the Deputy be made out.[2]

This case is a very good example of the Castle Chamber at its best. No other Court in the land would have dared to commit Mountmorris for contempt. Few judges and certainly no jury would have given a verdict against him, and in favour of an unknown Country parson, who had not even the money to fee counsel. In equity a lease of Plantation Lands to a man not a Roman Catholic was certainly not a breach of a Plantation Covenant, and, in any case, so widespread had been the evasions of this rule — some of the greatest of the Ulster Undertakers were Roman Catholics themselves — that to revive the clause for the sake of Lord Mountmorris was contrary, not only to ordinary justice, but to State policy.

The only mediaeval case on record during Strafford's viceroyalty was the prosecution of Lord Roche for contumacious words. The nobility and gentry in those days had great prerogatives, but they had to guard their words and actions. "Ill affection" from one of their rank might have serious consequences. In Yorkshire a certain Sir David Foulis had been fined £ 2.000 and compelled

1) R. I. A. P. III—13. 2) R. P. VIII. 205—8.

to make a public apology for the following harangue to some discontented persons. "It is too notorious that out of a less sparkle than this in Richard II's. time, Jack Straw and Wat Tyler kindled a fire that endangered the King and the State." What aggravated his misdemeanour was that he had been "raised by the King from a mean place to great wealth".[1] In Elizabeth's reign a Bishop was censured, fined, and ordered to apologize for saying "My Lord Deputy shall have no more to do in my diocese than I will have to do with his sword, and I will command him and his sword".[2]

In the majority of such cases however a "submission" to the King was followed by an act of Grace, and a remission of a large part of the fine, such sentences being issued pour encourager les autres. Strafford's one case of noble insubordination was in connection with Lord Roche of Fermoy, who seems to have been first indicted by Wandesforde and Loftus, the Lords Justices when Strafford was in England.[3] The family seem to have been somewhat disorderly, as the son was constantly at war with the father, and, having thrown a weir across the Blackwater that led to legal proceedings, he was indicted and censured for interfering with the jury.[4] There seems to have been a riot of some kind in the district, in which Roche had a hand, a parson being expelled from his Church, and a priest installed. When Lady Donough O'Brien warned him that Stafford would "powder" him he replied "Powder me! I have as much powder and as many men and bullet for bullet and in the breasts of the best of them, if they go that way to work", with "other words undervaluing the strength of the King's Army". This was a crime "of a high nature", on the part of one who had many men "depending on him". When the information was lodged against him, he made an effort to procure a licence to go over to England, "hoping that he might do something with the King", but he was refused and had to stand his trial.[5] He was fined £ 10.000, "imprisonment for life and never to return to Munster", which latter clause seems inconsistent with the first. Court Influence was exerted on Lord Roche's behalf by Lord Somerset of Cashel, but without avail.[6] The inevitable "Act of Grace" however followed, and, as all was now quiet, the parson

1) C. S. P. 1625—1660. p. 179. 2) Egmont MSS. I—25. 3) L. S. II—19. 4) C. S. P. 1625—1660. p. 352. 5) R. P. VIII—464. 6) Cowper MSS. II—218.

being once again in possession, the fine was at any rate "reduced", the imprisonment cancelled, but the order to remain out of Munster seems to have stood good for obvious reasons,—sureties for his good behaviour being duly exacted.[1]

There seems to have been a second lady in the case, as, in his petition to the King, asking permission to return home, he refers with scorn to "Lady Dowdall" as the cause of his downfall, "a woman of no credit, who tried to father a supposititious child upon her husband, Don O'Connor, and afterwards fearing discovery, pretended it dead, and buried an empty coffin while she made away with it". Meditating on Lord Roche's vagaries Strafford one time asked "what would these and such like gentlemen do were they absolute in themselves?"[2] It is to be feared Lady Dowdall would have suffered.

When Strafford fell and all politics and law became chaos Lord Roche tried to induce the House of Lords to indict St. Leger, the President of Munster, for "murder", resurrecting some ancient incident when the troops and some outlaws had had a tussel with disastrous results to the latter.[3] "These Irish Lords", commented the Deputy, "either out of too much love to their own, or out of over little knowledge of the customs of England, express some Irish manner or other, either very unseemly in itself, or pretending their own greatness, further than well consists with the modesty of subjects, and the more of them you try in this kind, the more you will find what I thus observe to you".[4]

Though Strafford was somewhat severe on their turbulence and tyrannies it must be conceded that, with the fear of the Castle Chamber before their eyes, and the knowledge too that the Deputy kept a good table and was fond of horses, they agreed to restrain not only themselves, but their followings from preying on the industrious. They served as a kind of police force in the country, though occasionally apt to get out of hand, and demand what they euphemistically called "their rights". If these "great ones" were satisfied, and the worst of them kept in awe, the proletariat were quiet. The right of rebellion was only the prerogative of "men of quality", who would have put down with a firm hand any attempt

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1) L. S. II—207. C. S. P. 1637—159, 294. 2) L. S. II—408. 3) L. P. 2. s. IV—213. 4) L. S. II—342.

on the part of others to claim this right. Many of them were Strafford's boon companions, and no Council up to his time contained so many of what were called "the native boon". As for his Army its composition caused grave scandal in England, being officered and manned—a large proportion of the privates were of the gentry class—by the identical class he used to denounce so roundly in his letters to the Privy Council, whenever one of them broke out and gave him trouble. Lord Mohun, for instance, who was on very intimate terms with the Recusant nobility, said that "they all contributed their general affections to your Lordships praise and honour".[1] Personally Strafford was very popular with the Irish nobility, to one of whom his own sister was married. His younger daughter, also, married another. In the end, the real reason for Strafford's execution was the cohort of armed Irish gentlemen that he mobilized, the majority of them "sons of habituated rebels".

Nor was Strafford's Court such an awe inspiring place as one would think from the references made to it after his downfall. It should be remembered—it is a little peculiarity of Irish politics —that it was the fashion for those who had shared in its proceedings to allege afterwards that what they did was due to intimidation, when we know that the difficulty was to prevent them intimidating others. He himself one time sarcastically commented on "the genius of this place to accuse the Deputy of those things wherein themselves had a principal share".[2] Once Strafford had to try a case in which both Cork and Loftus lifted up their voices and roared at each other. This is Lord Cork's account: "The Lord Chancellor made a long and impertinent speech." I replied I was not of that opinion. His Lordship replied "I care not for your opinion". "Nor I for yours" quoth I. His Lordship then said "I care not a rush for you". The Deputy told us we were both great officers and prayed us to be quiet, but we multiplying our unkind conceits one upon another, he then required and commanded us both to be silent."[3] Both subsequently appeared at Strafford's trial posing as much injured victims of a tyranny, they themselves being peaceable and well disposed citizens much injured by his rude words. One does not care to think of what one of them would

1) C. M. IX—3. 2) L. S. I—120. 3) L. P. I. s. IV—110.

have done, if he had had the other at his mercy, and was, as Strafford put it, "absolute in himself".

Nor was this the only occasion on which the Court got out of hand. The Earl of Cork had married his daughter to the Earl of Kildare, and plumed himself on this aristocratic match. Unfortunately the young Earl was no respecter of persons, and was always in financial difficulties, which he used to call on his father-in-law to solve. Once, for instance, he extracted money from that elderly statesmen by promising for a reward to reveal the criminal who had bumped and battered the silver plates in Lord Cork's baronial halls. On the money being forthcoming, he confided he had done it himself by battering them with marrow bones, and went on his way rejoicing, "without", as Lord Cork gloomily enters in his diary "making any bones" about the money.[1] Bethat as it may, when one of their many financial disputes about mortgages was referred to Strafford, the young Earl lifted up his voice and poured out a flood of abuse on his cowering father-in-law, which neither the dignity of the place, or the severity of Strafford's scowl could contain within reasonable limits.[2]

It was just after this case that Kildare actually asked the Deputy to order his cotrustee in a settlement to join in selling some of his lands. Strafford gave him a lecture on "how miserable a condition it was for a man to be the last of so great and ancient a house, and to be run so fast out of his estate".[3] The Earl of Cork then records in his diary that "the Earl of Kildare took discontent at the good council the Lord Deputy gave him, and thereupon rashly, without taking leave, conveyed himself on ship board to England", leaving his wife, his sister, four children, and 60 retainers "without means or monies", who fell back on the Earl of Cork for their sustenance.[4] The King refused to see the Earl of Kildare, who was sent back in disgrace to submit to the usual few day's confinement.[5]

The next case of young Kildare was more serious. In the reign of James I. there had been a lawsuit, in which Lord and Lady Digby proved that the late Earl, his wife, and their attorney had forged a deed — or at least the attorney had forged it — and, having gathered a riotous crowd, had captured some of the Digby

1) L. P. I. s. III—21.' 2) L. P. I. s. III—212. 3) L. S. I—309.
4) L. P. I. s. IV—43. 5) L. S. I—310.

possessions. All parties were acquitted of crime, and the lands were awarded to the Digbys. A cross-summons of forgery on the part of the Kildares was dismissed. It should be added that Lady Digby was a sister of the Earl, the whole affair being a family dispute, which the Council obviously were determined should be hushed up without anyone being sent to prison. The only sufferer was the poor attorney who was scolded. [1] The legal documents connected with the case, however, had never been signed by the Kildares, who defied the Court, and still nourished hopes of recovery. [2]

When young Kildare came of age, being a young man of spirit, he decided to revive the affair, and, having friends at Court, he produced a Royal letter ordering Strafford to re-open the case. His petition was that the lands be handed over to him straight away, but the Council in England cut it down to a new trial. [3] Strafford tried the case again, or examined the old proceedings, and decided in favour of the Digbys. This decision was referred to the King, who ordered that Strafford's decision should stand good. [4] Kildare flatly declined to abide by the decision, or to sign the requisite documents, and Strafford, appealing to the English Council, got permission to hale him before the Castle Chamber, and commit him for contempt. [5] The next step was a mysterious signet letter ordering his instant release, without signing the requisite documents. Strafford, seeing that this letter was "unduly obtained", promptly "stayed it", and wrote to the Council asking for further instructions. This time he got an order to detain him till he signed the documents, which, being done, Kildare was released. [6] In fact it is a wonder that he got out even then, because, in a letter of the period, the comment is made that "his debts come on so quickly that he is likely to remain there". [7] Even his release was not the pacific affair some would imagine. Old Lord Loftus, the Lord Chancellor, who had no love for young Kildare, when dismissing the case from Chancery, took the opportunity to comment roughly and rudely at the expense of the young man. This also was an act of impropriety. Lord Chancellors were not supposed to impair the dignity of "men of quality", and the

1) Egmont MSS. I—34, 35. 2) C. S. P. 1633—19. 3) C. S. P. 1633—9. 4) C. S. P. 1633—26. 5) L. S. I—393. 6) R. P. VIII—24. 7) C. S. P. 1637—165.

authorities took the matter up, Lord Loftus having to express contrition coram publico.[1] Kildare then transported himself to England where he astonished the sober citizens of London by singing at the top of his voice in the midde of the Strand, "as merry as a muld-sack, the boys flocking about him", and, having bailed out his comrade in misfortune, Pierce Crosby — then in prison for libel — he tendered to the King, on the eve of the Scotch invasion, an army of "thousands of Irish, all Geraldines" with "honest brave Pierce Crosby" as their commander.[2] At Strafford's trial his case appears among the articles of indictment, but the Parliamentary lawyers wisely declined to proceed with it. One can understand what Strafford meant when he said: "In the exercise of this (Judicial) jurisdiction I had no private advantage to myself. Nothing but trouble was gained by it."[3]

One of the rules under which Strafford entered into the Irish Vice-Royalty was that "no particular complaints of injustice or oppression should be admitted in England, unless it appears the party first made his address to the Deputy". The origin of this regulation was twofold. "This is but justice to the Deputy, who must needs be in some measure a delinquent, if the complaint be true, and therefore good reason that his judgment should be informed, and his integrity first tried before either be impeached."[4] The second reason was that the authority of the Council Board would vanish, if cases pending for trial, or decisions already given, could be revived by some aggrieved litigant, procuring, without the knowledge of the Judges or the other litigants, a signet letter from London, based on his statement of the case alone. Falkland's debacle, for instance, was entirely due to Loftus and the O'Byrnes procuring in London a commission of their own composition to inquire into his conduct, without his defence ever having been heard. "If suitors", once wrote Strafford, "find they must first obey here, before they can be heard there, it will be much more probable none will sue, but such as have just cause of grievance, and are able to manifest the iniquity of the sentence complained against".[5] The great difficulty that had impaired the authority of the Executive and the Irish Courts up to this, was that powerful personages with "a pull" at Court frequently procured signet

1) C. S. P. 1638—185. 2) L. P. 2. s. IV, 48, 54. 3) R. P. VIII—213.
4) L. S. 1—66. 5) H. V. C. III—181.

letters reversing decisions, or staying proceedings, with the result that the Council Board and the judges were loathe to interfere with anyone who had political power. [1] Once, however, it was decreed that a case had first to be tried, and an appeal made from it, with reasons stated on both sides, this practice of trying Irish cases in London by political influence, in the absence of one of the parties, ceased definitely. Strafford himself says "I never stayed any man that pretended he would complain of me". [2] It is significant that only two appeals were made from a decision of the Council Board, and in each case the Board's decision was unanimously ratified by the London authorities. [3]

What facilitated this course was the old custom that no man of high degree could leave Ireland without the Deputy's licence. It had originated in the general hostility towards absentee landlords. In Henry VI's. reign an Act of Parliament had confiscated all lands held by lords and officials, absent from Ireland without leave. [4] In 1628 the gentry had petitioned that "the great lanowners and undertakers be compelled to reside for half a year in Ireland", and it had been conceded that "all the nobility, undertakers, and others, who hold estates are to make their personal residence there, and not to leave without licence". [5]

Stuart policy was always hostile to rural landlords living in Towns. All the English squirearchy were one time ordered to leave London, because "they had not employment there, but lived without doing any service to Prince or people, a great part of their money, drawn out of their respective counties and spent in the enriching of other nations, and consumed their time in other vain delights and expense, even to the wasting of their estates". The evasion of this Proclamation roused the Attorney General, who at one fell swoop haled before the Star Chamber, 7 peers, 50 knights, 100 Esquires, and "divers countesses and ladies of quality". [6]

Strafford procured a Royal Warrant confirming this restriction, which it is curious to note only applied to "men of quality" and did not affect "the meaner sort". [7] The effect of this was that

1) T. C. D. F. 3. 16. 2) R. P. VIII—477. 3) H. V. C. III—208, 209. C. S. P. 1604—235. 4) R. P. VIII—472. 5) C. S. P. 1628—325. 326. 6) R. P. II—144, 288. 7) L. S. I—348, 362. C. S. P. 1635—93.

appeals in person to the King and Privy Council behind his back could not occur, as the issue of licences to depart lay in his power.

The 16th article of his indictment accused him of procuring a Warrant to prevent the subject making "complaint of injustice or oppression". As has been shown an Act of Parliament, a petition of the rural gentry, and an Act of Grace had established this system before, and his first Parliament sent forward exactly a similar request among their long list of petitions.[1] Not one of the cases put forward by the prosecution were found to be a refusal of the right of appeal. Lord Roche came forward as a witness to swear that Strafford had refused him a licence to depart, but, unfortunately he had to confess that he made the application at the time when proceedings were pending against him in the hope of procuring Court influence to stay the proceedings. Witnesses were also produced to swear Strafford had prevented Lord Esmonde from coming over. At that time Strafford's libel action against Esmonde was pending in the Star Chamber, and the plea was that the delay was devised to prevent him assisting in the preliminary legal steps. In this case too there was a certain mis-statement of facts. At that time the Leinster Judges had lodged an information against Esmonde, owing to a statement made by a highway man that Lord Esmonde shared in his takings. This affair was in process of examination. Secondly he was an officer of the Army and his regiment was then "in motion". As soon as that function was fulfilled he got his licence, which gave him plenty of time to perfect his legal business in London, the greater part having already been performed in Ireland by a Commission for examining witnesses, one of which Commission came forward at the trial to testify to the fact. The next witness was a son of a defeated litigant, one Dermot MacCarthy. When he applied for a licence to leave Ireland, he never made a mention of his father's lawsuit, or intimated that he desired to appeal to London. On the contrary he told Strafford that he wished to go abroad for his education, and for that reason his petition was "stayed". Noblemen had been forbidden in 1621 to send their sons abroad for their education, such foreign learning tending to "arm the minds of ill affected persons to the bolder undertaking of seditious enterprizes", and

1) L. S. I—324.

the students being rather "corrupted than bettered in manners". So ran a Proclamation signed ten years before Strafford arrived by Loftus, Mountmorris, and Parsons, all of whom at the trial bethought themselves of this ingenious point. [1]

It is true gentlemen were allowed to go to the Continental Universities, but only after all the circumstances of their case were examined, their political power, their wealth, their family connections and the auspices under which they were sailing. It should be remembered that some of the Continental Universities were nothing but proselytising institutions for Spanish militancy. James, when he agreed with the Recusant Lords, not to enforce the Recusancy Laws, had put a special ban on Douai, partly because of this atmosphere, and partly because some of the professors there taught the doctrine that "it is lawful to deprive me of my Crown". [2] This doctrine was anathema to the great mass of the Irish gentry who were Royalists and Monarchists to a man, though, of course, always reserving the right to annoy the Deputy. As the Recusant leader said in Chichester's Parliament "For religion no man ought to rise against the Prince. Vim vi repellere licet, ubi paritas, non aliter". [3] "If he", said Strafford, "should have gone to Douai and St. Omer, your Lordships would have blamed me more for giving him leave, than salted me for restraining him".

The last witness was one who had been subpoenaed to appear before the Council Chamber to give evidence in the case of Lord Loftus, and, having fled the country, was arrested, brought back, fined and imprisoned for contempt of Court. Being Lord Loftus' Secretary he was righteously indignant at this treatment of a great man's official, and appeared in Court as one "utterly ruined" because he "solicited His sacred Majesty for Lord Loftus' relief and enlargement". His fine was for evading a subpoena, and not for appealing to the King.

Not a solitary example could the prosecution produce of an appeal from Strafford being balked by misuse of his powers to forbid the nobility and gentry to repair to England. When we remember this restriction on emigration was based on the principle of an Act of Parliament, justified by Proclamation and popular petition and sanctioned by usage, when we note also that its purport

1) Council Book of Youghal. Caulfield pp. 79, 80. 2) C. S. P. 1614—547.
3) H. C. J. I—15.

and its effect was to enable the established Courts to try their cases free from secret influence in London and that, as a result, no man was denied an appeal to the King's mercy and only two demanded it, we understood the force of Strafford's appeal to his judges. "My Lords I cannot see how this can charge me as intending to subvert the laws of the land, but rather to preserve them". [1]

That Strafford was right in his action on this matter is revealed by a singularly acute scribe, who thus described how Justice was administered ten years before. "Many of the inhabitants, after their cause has received a legal trial, and then been heard at the Council Board on a plea of Equity, will not rest satisfied but repair to England, and renew the cause before the Lords, which is a dishonour to the State, and a disability to the Judges, and molests the King with unnecessary and frivolous suits. . . They should enter into bond in Ireland to make good their complaint, and, when they come over, if they fail they should forfeit their obligation and be highly punished. [2]

It is curious to notice, that in the only two cases, where an appeal was made from the Council Board to London, that of Lord Loftus and that of Sir Frederick Hamilton, Strafford insisted that they should first enter into a bond to perform his decision if their appeal failed.

1) R. P. VIII. 461—488. 653. 2) T. C. D. F. 3. 16.

Chapter III

THE CASE OF LORD LOFTUS

> "Those that have felt of Her Majesty's money, and a great many that have been rewarded by her bounty for small deserts or none, if they be governed by a mild hand and accounted of and so rewarded, they swell in pride and say that the Governor standeth in doubt or feareth them, but, if he be severe with justice in one hand, and the sword in the other to use it according to equity, they say he is tyrant and desire to have such a one removed". SIR JOHN DOWDALL.

The greatest case which Strafford ever tried at the Council Board was that of Gifford versus Loftus, a case which shook the very foundations of the Irish Executive. To appreciate the significance of this case we must realize that it was the first and last time in Irish history that the Deputy defeated the Lord Chancellor. It had always been a maxim in State policy to hold the Chancellor in terrorem over the Deputy. If differences arose between these two great officers the Imperial Council, rightly or wrongly, no matter what were the merits of the case, always supported the Keeper of the Seal against the holder of the Sword of State. Irish Deputies, it must be remembered, were always objects of suspicion to the Imperial elders in London, who held firmly by the tradition that a man who had control over the Irish Army was to be watched day and night. "It is held here" wrote Laud, when the quarrel was at its height, "to be a great rule of State to balance the Deputy or keep some watch upon him".[1] Petty noted the same phenomenon when Ormonde held the power of the sword. "The Chancellor by keeping the seal can check the Lieutenant. The Chancellors are bred to eloquence and arguing. The breeding of a Lieutenant is but casual." The Chancellor was always native born, with friends and relatives around him, a man of experience in Irish affairs. The Deputy was but a stranger, with no local following, holding but a temporary appointment.[2] Between two such contending forces,

1) L. L. VII—503. 2) P. P. S. p. 103.

two satraps, one of whom could not act without the other, and both so divergent and different that they were bound to follow different paths, the Imperial authorities hoped that no troubles would arise from Ireland. To make doubly sure, however, they always kept a third official to watch them. At this stage Mountmorris filled that lofty function. Clarendon attributes the recall of Chichester, Grandison, and Falkland to his reports, and his promotion to the fidelity and accuracy with which he made them. We can accordingly understand the panic in high quarters when Strafford demanded the dismissal of the one man that could hold him in check. As we shall find this was the one of the two cases in which an appeal was admitted from the Deputy and his Council to London. The whole Privy Council sat to inquire into this business, and, we may be sure, gave their decision with grave qualms as regards future eventualities in Ireland.

Lord Loftus, the Lord Chancellor of Ireland, was not only the second official in the State, but a wealthy member of a Pale family, with great and far-reaching connections. He was a nephew of Adam Loftus, Archbishop of Armagh and Lord Chancellor of Ireland in the reign of Queen Elizabeth, who, in his day, had contributed largely to the downfall of Perrot, and was a thorn in the side of Fitzwilliam, his successor. It is nearly impossible to say where the ramifications of this family began and ended. Where matrimonial alliances were wanting, fosterage or agrarian feoffments consolidated an entente. The power of his clan may be assessed from the ensuing enumeration of some of the marriages of some of the Archbishops' children.

"(1) Dudley—By this link the Archbishop hath allied himself to Sir Henry Bagenal and the rest of that kindred, being of great power in the country, and into the strong septs of the Plunkets, the Barnewalls and of the Talbots, and divers others their allies, populous nations in the English Pale and on the borders, of great strength and force.

(2) Margaret married to George Cowley, a man of great possessions in Offaly, and strengthened with the kindreds of the Cusacks, Darcies and Sarsfields.

(3) Alice married to Henry Warren, near of kin to the Brabazons and Blunts.

(4) Mathias married to Thomas Cokeley the pricipalest man of livelihood in Wexford.

(5) Beale married to William Usher, owner of Lambay and most of the tithes and benefices from Bray to Arklow.

There is not any one house or family that is of any high degree in the English Pale but that the Archbishop is allied thereto."[1]

Anyone with a knowledge of Ireland will understand the value of such connections in public life, the strings that could be pulled without the enemy observing, the forces that could be brought into play when the occasion arose. The imperium in imperio of the Irish Executive lay in this great family party, always law-abiding, and never risking a fall with the Imperial power. Nor did these ramifications end there. There is no doubt but that he and that old rebel Feagh McHugh O'Byrne understood one another very well, Loftus' lands being in the very centre of that chieftain's territory, the young Byrnes and the young Loftus being yoked by the tie of fosterage.[2] We shall note the effect of this alliance in Falkland's time, and wonder how it was that the O'Byrnes on their hillsides were able to suppress the authorized finding of an inquisition, and procure a patent for the lands of Lord Baltinglas. The rebellious O'Tooles of North Wicklow also ruled an area in which many parcels of Loftus land lay. One of the phenomena of the high politics of the Chichester regime was that, after the O'Toole area had been escheated, through the rebellion of Barnaby O'Toole, a signet letter granting lands to the value of some paltry sum to a humble individual was used to pass the whole Vartry area from one hand to another till it came into the possession of Barnaby's son Luke.[3] We shall note too how, in Strafford's era, Lord Loftus had qualms about rectifying this matter.[4] In fact, one of the most curious features of later Elizabethan and early Stuart history, is that Wicklow, which was always "rising out", though surrounded by friends of the Crown, was never escheated. Nor were the O'Byrnes ever attacked—though on one occasion they burnt 17 villages and on another wasted South Dublin as far as Stephen's Green. Some scribe in the Castle has left lying in the State papers a long list of the offers made by the

1) C. S. P. 1592—536. 2) C. S. P. 1592—585. 3) Cowper MSS. II—114. 4) Cowper MSS. II—155.

gentry, farmers, and citizens of three Counties to subdue this hornets' nest, and the reiterated refusals on the part of the authorities to allow them. This entertaining document ends up "Feagh McHugh O'Byrne is made Justice of the Peace, and, when he comes to Dublin, is accepted and guarded with the Lord Chancellor's sons. He was pardoned six or seven times".[1]

The Loftus family always stood firm by its friends and accordingly prospered in Irish politics.

This was a political combine no man could afford to alienate. It speaks volumes for Strafford's acumen that, on his arrival in Ireland, he lent slightly towards the Loftus faction, then at war with the Earl of Cork. His brother married into the family, and it was not till a split occurred in this great party that he found himself strong enough to risk a fall with the experienced and wily old Lord Loftus. This great man—because great he was in the art of governing the Irish Executive—had begun life as Secretary to that branch of the administration that administered martial law, riding about the country with warrants for the execution and arrest of persons who were undesirable. He was then ordained as a deacon, in which capacity he was made Archdeacon of Glendalough, a perfectly proper proceeding according to canon law, on which Loftus was an expert.[2] He was also Judge of the Admiralty Court, and Vice-Admiral of Munster which was an honorary post at that period, bringing in scarcely 20 nobles a year.[3]

Subsequent disclosures did not reveal Loftus in the light of an honest Judge. Be that, as it may, it is impossible to acquit him of some share in the slovenly and corrupt administration of Justice, which had hithertoo prevailed, and which was really the result of a long century in which Justice had been neglected in favour of affairs military. During the Tudor times the only motto of the Administration was "inter arma leges silent". For instance, one of the crying scandals of the period was Writs of Outlawry. A defeated litigant might default in some suit, and one of these warrants would lie dormant for years. It would suddenly be revived on peril of escheat, and could only be withdrawn by a long series of fees. One of the Officials of the Common Pleas once issued 40 of these in one Shire, some over seven years old. Strafford

1) C. S. P. 1603—671. 2) H. V. C. III—184. 3) C. S. P. 1629—428.

made this process a felony, and limited the time in which such a warrant could lie dormant.[1] Nor was the particular administration of Loftus' Court such a one as to justify him in regarding the Council Board with contempt. There were six chief clerks, all of whose posts were held by one man. There were two other posts created in bye-gone days, one of which was to be a check on the other. They were both held by one man. The "uncertain exactions" of his officers were a cause of much scandal.[2]

There is no doubt but, that Loftus' great wealth, family influence and official position made him a very difficult man for a Deputy to work with. He had more power, in the real sense, than the Deputy, and yet the Deputy was responsible if things went wrong. When the Irish nobles were summoned to Dublin by Falkland, Loftus was their intermediary.[3] Falkland always insisted that on that occasion Loftus threw his influence against him.[4] The feud, however, between him and Falkland came to a head over the respective rights of the Council Chamber and the Chancery Court. The former quashed a spirit licence, and the latter revived it. The former insisted on saying what judges should go on each circuit, and the latter claimed the right as the prerogative of the law. The former dismissed a Justice of the Peace, and the latter reinstated him.[5] The authorities in London decided that these questions were, in future, to be left to the Council, which was equivalent to leaving the Deputy to the mercy of the Lord Chancellor.[6] The effect was instantaneous. Every prerogative gradually slipped out of Falkland's hands, and every official had only to get a scratch majority on the Council to do what he pleased. "While I am neglected and slighted" wrote Falkland "I can do no good here."[7] From this time on he ceased to be Deputy, being but a mere figurehead. As soon as they saw in Ireland that he had not full authority, and that a powerful official could oppose him and get the support of the English Crown, the reins of Government slipped from his hands, and the Council became nothing but a series of wrangles. The final crash came over the O'Byrne's case. In an evil moment he arrested the chiefs of the O'Byrnes on a

1) Act. 10. Car. I. Sess. 2. Cap. 6, 10, 20. 2) T. C. D. F. 3. 16. 3) C. S. P. 1627—244. 4) C. S. P. 1628—362. 1627—212. 5) C. S. P. 1625—1660. pp. 116—119. 6) C. S. P. 1626—121. 7) C. S. P. 1626—168.

charge of murder, and, before he knew where he was, Loftus had procured a commission to inquire into his conduct, and, after taking down the depositions of the O'Byrnes, sent them over to London without cross-examination or hearing other witnesses, thus producing a situation that led to Falkland's instant recall.[1]

In the course of the crisis Loftus was once summoned to England to answer a series of charges. The greater part of them involved abuse of his judicial powers.[2] It is curious to note that at a later stage exactly similar complaints were made by the Earl of Cork, Lord Esmonde, Lord Ranelagh, Sir Charles Coote and St. Leger.[3] Such charges and countercharges must always be taken with a grain of salt, as all the Council spent their spare time in taking away each other's characters. Four grave and general charges however are worthy of note, that on the matter of the contributions he "made common cause with the nobility", that he broke the rules of Chancery, that he heard cases in camera in his private house, and that, on such occasions, he reversed his public decisions. The first and last he bluntly denied. The charge of breaking the King's rules he evaded. That of hearing cases in secret he confessed, but pleaded, as he was entitled to do, that these private hearings only involved in forma pauperis appeals for small sums, which could best be heard without the forms of Court.[4] He returned to Ireland in a blaze of triumph. He was ennobled, granted a standing licence to leave the Kingdom when he pleased, triumphed over Falkland and reduced him to subjection, and, on his disgrace, ruled, as Lord Justice, with the Earl of Cork, whom he nagged and worried severely. On the eve of Strafford's arrival, however, we notice him preparing for eventualities. "My chief enemy", he wrote to the Council, "is Ranelagh. He endeavours to get suitors in the Chancery Courts to appeal to you. He threatened in the Council lately to have me called before you. Sir Charles Coote has done the same".[5] To Strafford he was all balm and honey, profuse in compliments, declining, of course, to commit himself to any policy, but very eloquent on the "aspersions" that "malice" had cast upon his name.[6] Strafford, after a due inspec-

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1) C. S. P. 1629—443, 447, 423. 2) C. S. P. 1628—358—361. 3) C. S. P. 1630—567—574; 1629—536. 1631—626, 615. 4) C. S. P. 1628—363, 364. 5) C. S. P. 1632—646. 6) L. S. I—64, 70.

tion of this extraordinary menagerie, described them as "a company of men the most intent upon their own ends that I have ever seen".[1]

Loftus was amply satisfied for the first few years. One of his relatives, Sir George Meredith, was co-opted on to the Council. His great enemy Mountmorris was disgraced. His other rival, Lord Cork, had to compound for his Church depredations rather than face a trial at the Council Board. Lord Cork has put it on record that he cautiously canvassed Lord Loftus before the trial of the Youghal case, but the Chancellor characteristically explained that, though amply satisfied of the justice of Lord Cork's claims, he preferred to vote with the Crown against him.[2]

His daughter-in-law, Lady Robert Loftus, seems to have had a considerable influence over Strafford, though whether it ever extended to State affairs is unlikely. We may be sure, however, that it served to soften any possible animosities. One of the less lovely features of the political conditions of Strafford's trial was that his enemies tried to make the most out of this intimacy. Pym read aloud in the House of Commons the correspondence between the Deputy and that lady who was then dead. The source from whence he got the letters we can easily suspect.[3] That this intimacy was no more improper than that between Strafford and Lady Carlisle, and Lady Carlisle and Pym is shown in a letter under the Deputy's own hand to Conway. "We have sadly buried my Lady Loftus, one of the noblest persons I ever had the happiness to be acquainted with. As I had received greater obligations from her Ladyship than from all Ireland besides, so with her are gone the greatest part of my affections to this country, and all that is left of them shall be thankfully and religiously paid to her excellent memory and lasting goodness".[4] This was written at the height of the quarrel with her father-in-law.

For a considerable period Loftus worked with Strafford.—A disgruntled official complained that "there are many complaints against the Lord Chancellor, but the Lord Deputy makes an end of them".[5] Certainly it was no time to go tilting at windmills. Loftus had a large following on the Council, in the Lords, in the

1) L. S. I—96. 2) L. P. 2. s. III. 257. 3) C. H. I—127. 4) L. S. II—381. 5) C. S. P. 1634—71.

Commons and in the Country, Cork and Mountmorris were on the warpath, and Parliament had yet to be faced.

On the eternal question of impropriations if he had flung in his lot with the impropriators, it would have been a very serious matter, as he could have paralysed all the activities of Dr Bramhall, then in charge of this branch of the Administration. As Usher said "it is important that we should have the Lord Chancellor on our side, for all the most urgent matters in which the Church is interested pass through his hands".[1] Laud is found writing in 1635 applauding his "complying with the King's and the Church's Service", and agreeing that his salary should be increased.[2] This had been an old grievance of his, frequently expressed in Falkland's time. Strafford himself had raised the matter, holding that £ 400 a year was not a fit salary for such a responsible official.[3] The result of such a standard of pay was inevitable. One of the many complaints uttered against him is that of a disappointed litigant, who gave his son "one boult of Holland" and his wife "one suit of hangings, one dozen of silver plates, 32 ells of Polonie rich taffetie, two butts of sack and three hogsheads of graves wine", and yet despite the fact that he was "promised justice", nothing was forthcoming.[4] On another occasion when, for obvious reasons, the office of Admiral of Munster had to be separated from that of Lord Chancellor, Strafford insisted on it being made over to his son Sir Robert, instead of to a nominee of the Admiralty's in London.[5]

Thus did the alliance continue till the year 1636. Strafford had the moral force of the Loftus Party behind him—though there were signs that it was disintegrating—and could also be sure that no flank attack would be made on his position by the Assize Judges in the Courts of Justice. Trouble however was brewing. In the Spring of 1637 South Wicklow was found to be Crown lands, and the O'Birnes—the traditional allies of the Loftus party—had to disgorge the lands of Lord Baltinglas.[6] In April a Commission examined into the titles for North Wicklow, and lighted on the fact that lands worth £ 500 a year had been "passed" to another great ally of the Loftus Party, Barnaby O'Toole, without even a

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1) C. S. P. 1633—6. 2) L. L. VII—166. 3) C. S. P. 1634—72. 4) C. S. P. 1639—225. 5) C. S. P. 1634—71, 72. 6) L. S. II—60. C. S. P. 1634—52.

survey of the district and on conditions that had been evaded.[1] At a later stage Loftus actually declined to put the Royal Seal to the lease of the incoming lessee, and had to be threatened with being reported to the King before he would fulfil that function. "This they tell me", said Strafford, "is according to nature, and as he hath used to carry himself upon like accidents. It seems he is very good, only as long as he is very well pleased".[2] With the tangle of political interests, feoffments, leases and agencies between Loftus, the O'Birnes and the O'Tooles—the tithes of his Archdeaconry came from O'Toole's estate—this alone was bound to cause trouble. When Strafford left for England, it is significant that he warned Wandesforde to consult with Loftus as little as possible.[3]

It was obvious that two men of this calibre could not work together for long, especially as Strafford could not close his ears to the persistent rumours that Loftus was in the habit of trying cases in camera without the forms of Court. He had already warned him to desist from this illegal practice, and Loftus had reasserted his defence that this was only done in the case of in forma pauperis appeals. Loftus however had enemies and these enemies were determined to resurrect a glaring case of misuse of this function. Loftus' already quoted complaint to Strafford that Ranelagh was trying to upset the decisions of the Chancery Court was true.[4]

Some years before a clergyman named Metcalfe had died leaving an estate. As no will could be found, his son-in-law Rev. Samuel Powell applied for letters of administration. The judge received a peremptory order from Loftus to grant no such letters, as there were rumours of a will. Loftus then put in his son, Sir Edward Loftus, as administrator to search for a will. No will was ever found or produced, but the whole estate remained in the new administrator's hands. Powell had neither the power nor the means to sue for his ejection. After a considerable lapse of time Powell and the heirs at law were blackmailed by "the law's delays" into signing a document surrendering a third of the estate to Loftus. The agreement was that Loftus was to be responsible for all debts on the estate. This Loftus evaded, and Powell and the heirs found themselves sued for old debts, and, what was worse, another portion of the estate was retained in the hands of Loftus on the plea that

1) C. S. P. 1636—128. 2) Cowper MSS. II — 155. 3) L. S. II — 14.
4) C. S. P. 1632—646.

further incumbrances were due.[1] This was another case of the ownership of an estate being decided without pleading or counter-pleading. Nor was it the only one. A petition of Sir Charles Coote's runs as follows: "A country man of mine, Stephen Cooke, had a suit depending on the high Court of Chancery. His adversary, Aldersie, was committed in execution until he should perform the decree. Notwithstanding, by some private chambering and miscarriages, this decree was nullified, Aldersie set at large, the whole proceedings vacated, and all this done out of Court, and without the knowledge of Cooke or his Counsell".[2] Strafford says this procedure came to an abrupt end when he came over, but that Loftus revived it in full force, when the breach came at a later date.

There were, however, great men determined to rake up the older scandals. Strafford's general attitude seems to have been to let old scandals alone, provided they were not affairs of State, at any rate till Parliament was dissolved, and the Plantation of Connaught accomplished. In 1633 Falkland came out of his retirement to demand an inquiry into the Metcalfe estate.[3] Usher seems to have been indignant over the matter also, and wrote to Windebanke. Commissioners were detailed to send in a report to the King. Strafford confined himself to demanding that the case be tried either by himself, or the Irish Law Courts and not in England.[4] In 1635 Ranelagh wrote over to Lord Newburgh telling him that, as Parliament was about to dissolve, he should ask King permission to remit the case to Ireland for trial. He would give the signal as "soon as he got authority".[5] In the spring of 1636, the Earl of Marlborough, who sat on the Committee for Irish affairs, had entered into the frary.[6] In the previous May Ranelagh seems to have approched Windebanke to get the case remitted for trial, boasting that if Strafford would only intervene also, Loftus would be made to "appear very foul". Strafford kept well out of this storm. It was no part of his policy to touch the matter one way or the other till it came before him in his judical capacity.[7] The warrant

1) C. S. P. 1638—192. 1625—1660. p. 358. 2) Cowper MSS. I—426. 3) C. S. P. 1633—14. 4) L. S. 1—161. 5) C. S. P. 1635—101. 6) C. S. P. 1636—128.

arrived just after the case of Gifford versus Loftus was listed for action at the Council Board.

Gifford's half sister had married Sir Robert Loftus, the eldest son of the Chancellor. Gifford claimed that the Chancellor had promised to settle £ 1.800 a year on the pair, and had never carried out the agreement. The Chancellor denied any such promise. The only Court in which the case could be tried was the Chancery Court, it being an equity case. Over this Court Loftus presided. Gifford accordingly petitioned to have the case tried before the Council Board, rather than in a Court "where his Lordship should become both judge and jury". The petition was forwarded to the King, who ordered the Council to try the case.[1] Apart from the Royal Warrant the Court had full power, according to all precedent, to try cases of such a nature. Before this "causes between party and party have been heard and determined between the Chief Governor and Council, and orders and decrees made for removing of possessions of lands, leases, and inheritances, for contempts and other misdemeanours, for dowers, for jointures, for marriage portions".[2] So ran the report of the Puritan Lords Justices and the Council after the downfall of Strafford.

In this case Loftus gave a display of all the arts and crafts of the legal mind, skilled in those evasions and delays, which serve to break the antagonist by piling up costs, coupled with that insolence, of which the less desirable of the feudal chiefry were such masters. Wandesforde, Strafford's chief adviser, who was very loathe to speak ill of anyone, said of these proceedings "I could wish his Lordship would make his defence with more temper and discretion than I am afraid he will. He is come into a new world. His great heart hath not been lowered to the authority of others, which perhaps may render him more refractory and less obedient to the orders of the Board than becomes him or any other man to be."[3] Clarendon, who, being an Englishman, was pained at the idea of anyone trying a case but a gentleman of the long robe, was very censorious at the idea of the Lord Chancellor pleading before laymen, and held that the whole case was got up by Strafford "for the Chancellor, being a person of great experience had been always very severe to departed Deputies, and not over agreeable, nor in

1) H.V.C. III—158, 153. 2) H.M.C. IX—311. 3) Ormonde MSS. II—40.

any way submissive to full power, and taking himself to be the second person in the Kingdom, during his life, thought himself little less than equal to the first, who could naturally hope but a term of six years in that superiority, neither had he ever before met with the least check, that might make him suspect a diminution of his authority, dexterity, or interest".[1] To make a man of this character plead before the Board as an ordinary litigant, and carry out its behests, no doubt savoured of revolution to one who had ruled all the Courts so long.

The first stage was a petition on Gifford's part for an order to three barristers to act as his counsel, as every lawyer was afraid to appear against the Lord Chancellor. This was granted.[2]

All during March 1637 proceedings were delayed by Loftus returning evasive answers to the interrogaties. On one occasion the Board sat all day waiting for his counsel and they never appeared. In the end they had to issue an order forbidding him to leave Dublin, as they heard it was his intention to flee to the country and delay proceedings further from his rural retreat.[3] On another occasion he pleaded sickness, and proceedings were adjourned. Wandesforde went off to the races and found the Chancellor in the pink of condition enjoying himself on the course, while too ill to sign his affidavits.[4] By the end of April the King had given Strafford permission to deprive Loftus of the Seals if he did not answer the interrogatories.[5] So far from doing so he left town contrary to the order of the Board. It was ordered accordingly that he compensate the Plaintiff £ 20 for the costs he had made him undergo. The case seems to have dragged on in wranglings and delays and procrastinations for a whole year. January 23, 1638 was at last fixed for the hearing of the case.[6]

After a three days hearing the Board decided against Loftus. The one witness to the agreement was the matchmaker, who seems to have been a persona grata with both parties. Corroborative evidence consisted in testimonies to the effect that Lady Loftus' father, now dead, had made frequent applications to Loftus to carry out the agreement, that Loftus had never denied it or repudiated the "matchmaker" till legal proceedings began, that Lady

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1) C. H. I—127. 2) H.V. C. III—159. 3) H.V. C. III—160. 4) Ormonde MSS. II—39. 5) L. S. II—69. 6) H.V. C. III. p. 164.

Loftus' dowry was far in excess of the moderate settlement Lord Loftus had made on Sir Robert, and that too was far exceeded by the settlement he had made on a younger son. When the case was reversed 20 years later it was done for reasons which seem weak in comparison with this view of the case. They consisted of the unrelia liability of one witness, the length of time between the agreement and the proceedings, the fact that Sir Robert was no party to the case, being called on by neither side, the impropriety of a Council Board decision, and the fact that, as Sir Robert was now dead, if the decision stood, the greater part of the Loftus Estate would go into hands other than those of the holder of the Loftus peerage.[1] As can be seen it is a complicated and dubious case, but the balance of probability lies on the side of the Plaintiff.

In these Council Board decisions Strafford was by no means the master of the Board. We know for a fact that on one occasion when there was an even division on a legal case, Strafford refused to exercise his prerogative of a casting vote.[2] Usher, whose evidence is of singular value as an impartial man interfering very little in State affairs, swore in an affidavit that "he hath not known the Earl of Strafford to have, at any time, urged or pressed any member of the Board, contrary to his own opinion, and that he hath heard him divers times profess he hath but one single voice, and that matters were to pass according to the major part of the voices of the Board".[3] Unfortunately it was the custom for the minority to sign the decision along with the majority, so whether or no it was an unanimous vote we cannot tell.

Adam Loftus and Meredith, both related to Loftus, were among the judges. Of the fourteen members who tried the case six were senior judges. All of these, except Strafford and Wandesforde who were dead, and Radcliffe and Mainwaring who had retired, protested vehemently in 1642 against any alteration of the decision, which leads one to suspect that the decision was unanimous. If it had been a bare majority Loftus in his petitions would have said so.[4]

If Loftus went near to contempt of Court before the trial, he broke out into a state of fury when the decision was promulgated.

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1) H. M. C. III—303—306. 322—9. 2) R. P. VIII—232. 3) R. P. VIII—231. 4) H. M. C. IX—315.

When Strafford was reading out the decision Loftus was jibing and jeering and interrupting, and creating a scene of disorder most unbecoming in a great legal dignitary.[1] Naturally he appealed, but his idea of an appeal was to flout the Court and sail over to England. The iron rule in these matters was that the decision of the Court was to be "submitted to", all transfers of property sealed, ready for operation if the appeal failed, and a bond signed not to alienate such property till the case was finally settled. Loftus declined to sign a single document, place his property in trust, submit to the decision, or in any way conduct himself according to any of the rules on which he used to be so ferociously adamant in his own courts. The whole Council committed him for contempt, acting on that letter Strafford had received a year before, which empowered him to sequester the Seal, if he, in any way, refused to obey the Court.[2] This was the only occasion on record when Strafford sheltered himself behind the Council. As he told Cottingdon "My greatest crime is the reserving myself altogether in my sense and judgment of the action till every man at the Board had voted". It is significant that the document enshrining the Council's decision puts Strafford's signature last. In all other Council documents his comes first.[3] To the King he said "His Lordship's committal is equally, if not more the Act of the Board than mine".[4] None knew better than Strafford that, on this issue, the opinion of the governing classes in England would be against him. It was in flat defiance of all procedure for the Deputy to demand the removal of his Guardian.

The Medcalfe case synchronized with this. When it was listed for trial the second defendant Sir Edward Loftus fled the country and adjourned to England, where he was outside the jurisdiction of the Court. To get him back to Ireland required the full force of all Strafford's influence. Young Loftus attached himself to "the Queen's side", and long and bitter were the wrangles as to whether or no the defendant in a case listed for trial could regard England as a sanctuary. At last he was sent back under escort. "This quick way", wrote Strafford, "that is held with such as fly from His Majesty's Justice, and indeed from their own obedience, gives a great life and honour to our proceedings here, and, under

1) L. S. II—260, 261. 2) L. S. II—160. 3) Laing MSS. I—201. 4) L. S. II—161.

His Majesty's wisdom, will be a sure means to reduce this Nation under authority and government, to which naturally they submit themselves as late unto as any People on Earth."[1] When the Loftus appeal was made in 1639 to the King, Strafford's exposure of the details of the Metcalfe case was one of his most damning points against Lord Loftus. The son had, in the end, to disgorge and apologize, and, in the meanwhile, was lodged in durance vile for contempt of Court.[2] It was to this case and to certain charges of corruption that Strafford was referring when he told the Queen's Secretary. "We charge the Chancellor with foul transgressions in the exercise of his place, to the great scandal of His Majesty's Catholic Justice and oppression of the subject, as well to his Lordship's own particular benefit."[3]

While these wrangles were at their height and before Loftus was sequestered, he took the opportunity to revive in full force the practice of hearing in camera cases, which he had dropped when Strafford became Viceroy. This time, however, aggrieved litigants had a Court to which they could appeal, and a Deputy who sat four times a week to hear petitions. A petition was lodged with disastrous results for Loftus.

The petition was one of a farmer named John Fitzgerald. His sister-in-law went to the country-house of the Lord Chancellor, and demanded payment of her husband's annuity, at that time dead. Loftus ordered Fitzgerald to appear before him. He did so and denied the debt. He was ordered to return in a week with witnesses and plead his case. During the interim he put some of his corn into a barn. When he appeared again he was of course without counsel—barristers not being in the habit of adjourning to the country—save for a large fee—and what was worse without witnesses, as he had no power of subpoena under proceedings of this nature. Despite an application to have the case listed for trial—he giving security in the meanwhile—he was committed for his contempt in saving his corn and placing it in a haggard. He remained 22 weeks in prison. If he paid the plaintiff it was equivalent to admitting her right to this annuity. Though he moved by Council to have a trial the Lord Chancellor refused to admit that he had such a right, as he was "in contempt", having not paid

1) L. S. II—90. 2) H. V. C. III—175, 200—210. 3) L. S. II—228.

one year's instalment of the annuity, as decreed by the in camera trial.

When Fitzgerald appealed to the Deputy the Chancellor threatened him with all manner of pains and penalties. The case was then brought before the Council Board. It was a glaring illegality. No case had been stated. Whether this woman was or was not entitled to the annuity had never been tried. It was in flat defiance of the Rules, which laid it down such cases should be tried by pleading and counterpleading. It was not an in forma pauperis appeal, as the King's rules for Chancery confined such appeals to sums under £ 30. It was a case at common law, with which the Chancery Court had no right to interfere. For a litigant to place his corn in a shed was scarcely a contempt of an order not to alienate his goods. Every rule of law had been vitiated. A citizen had been imprisoned for six months without trial while his estate was wasted. [1].

On John Fitzgerald's petition to the Board they ordered that he be released, and drew the Chancellor's attention to the fact that he had no right to try cases on "paper petition", unless the sum involved was less than £ 30. Loftus defied them and "affirmed that he would still do it, saying 'take that and take all'."

This was the last straw. Next day Loftus was sequestered from the Council and a resolution was passed ordering him to surrender the Seal, pending the decision of this and the other case by the King. [2]

As Strafford said an ordinary man would have been haled before the Castle Chamber. In his case all they could do was send him over for trial to England. It was certainly a glaring case and was amply proved at the appeal in London. "We impute to the Chancellor" wrote Strafford "his insolent breaking through all His Majesty's directions for the Government of this Kingdom, and that by his vast assumptions and universal irregularities he hath invaded and disordered the whole frame of Government, and all the other Courts of Judicature throughout the Kingdom." [3]

The question then rose upon what terms his appeal was to be made. He demanded the right to make his appeal while "in contempt", without any "reparation to the dignity of the Court".

1) H.V.C. III—164—169. 2) H.V.C. III—170, 171. 3) L.S. II—228.

It was aggravated by a blank refusal to hand over the Seal. When asked where it was he declined to tell. In the meanwhile no public business, of course, could be transacted. To allow a litigant "in contempt"—and especially one accused of serious offences—to appeal before his contempt was purged, and to appeal in open defiance of the Court, Strafford held would have reduced him to the position of Falkland. An appeal he was only too glad to have on such favourable grounds as these, but not an appeal striking at the very authority of the one Court that held "the Great Ones in awe, lest otherwise this cause might chance to touch very much upon the universal peace of these affairs and due settlement of the regal power over this stirring and unruly people. If any other term be yielded to it is the way to trouble Ministers here, for, if once the people be admitted to a review, before they first fulfil the orders made, we on this side must look for no authority".[1] In this there was much truth. Nine-tenths of the embarrassments of the Irish Executive were due to the fatal practice of every Irish party, which could not get its way, rushing across to England to embarrass the Crown Officials by forming alliances with some English Party, who in turn intrigued at Court. Every Irish Deputy was thus always between two fires, while struggling to uphold the vacillating Government of the country.

These words were nominally a manifesto of the Council's. A child could see they were penned by Strafford. When the King read them he smiled a slow and cynical smile. Laud took fright and implored Strafford to be frank and not to shelter himself behind the Council. Strafford accordingly penned a letter boasting of his essay on Irish Government, and congratulating the King on having an Irish Council that fell in with such views so readily. If he had not done so the King might have suspected some underhand work, because as Laud said "he loved to be openly dealt with by those he trusted".[2]

On this issue, however, Strafford was opposed by all the prejudices of the English Council, and, above all, by "the Queen's side", led by Holland. The latter was determined to get Loftus off, and to reverse these decrees, and Loftus knew it.

The real secret of the delays, contempts, flouts and procrasti-

1) H.V.C. III—180. 2) L. L. VII — 432, 455.

nations of Loftus, the secret of his attitude of "sum supra leges" was that he had behind him a powerful party at Court, whom he knew were ready to reverse the decisions of the Council, in order to strike a blow at Strafford's rising influence. The King first gave leave to Loftus to come over, after the Gifford case was over, but only then. [1] At a later stage he was opposed to Loftus first purging his contempt, and submitting to the Court, on the grounds that such a submission would prejudice an appeal. [2] This view was responsible for the letter authorizing Loftus to come over, leaving the Seal in Commission. [3] Loftus, however, was so elated over this victory that he declined to hand over the Seal to Commissioners. "I received the Seal from the King and to the King only will I hand it over" was his haughty reply. [4] It was after this scene that he was committed to the Castle for refusing to obey the warrant that he "leave our Great Seal with such Commissioners as shall be thought fit by our Deputy and Council". In the meanwhile Arundel was moving Heaven and Earth to allow him to make his appeal without purging his contempt, or handing over the Seal. [5] Holland too was assisting him. [6] The Council amidst great difficulties assayed an inquiry into Loftus' accounts and lands for the purpose of drawing up a deed, which he was to sign making over the lands in question to a feoffee, pending the appeal. They were seriously afraid lest he might alienate the lands the moment he got over to England. [7] Suddenly in June there arrived a letter authorizing his instant repair to England, Arundel at a meeting of the Council having spoken so vehemently, that the King took up the attitude that an appeal made to him must be heard. [8] Strafford actually "stayed" the letter, and implored the King to realise that it was against all practice and State policy for a man "in contempt" of a Court to be allowed to appeal to another, until he had first withdrawn his contempt. If it was once allowed "his inflexible will will be so much indulged, the bad humour of others so stirred, provoked, and encouraged thereby, as shall render all the great services of the Crown, now in view, much more difficult". [9] If once it was laid down that high Official

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1) L. L. VII—332. 2) L. L. VII—417. 3) L. S. II—160. 4) H. V. C. III—171. 5) L. L. VII—423. 6) L. L. VII—432. 7) H. V. C. III—176, 177. 8) L. L. VII—433, 456. 9) H. V. C. III—182.

position and court influence enabled a litigant to refuse the injunctions of a Court, to accuse it of undue influence, to disobey a Royal Warrant, and then to sail over to England to seek for aid there, there was not a Court in Ireland that would be able to make its Writs run.

At last, however, Strafford wrung from the reluctant authorities a warrant that "before he be set at liberty he remove his contempt by performing your decree according to the usual style in all courts".[1] Even this, however, did not move Loftus. He kept on wrangling over details, while his daughter petitioned the King with lurid tales of his sufferings in confinement. The petitions of Loftus and his daughter are harrowing, and a casual observer would believe that he was immersed in some terrible dungeon, suffering tortures the while. His letters to Strafford and those of Strafford's to him reveal the fact that he lived in state and comfort with two servants to wait upon him. The King at last lost his temper, and told his daughter, Lady Moore, that her father had no one to blame but himself, in which there was much truth. Loftus, in the meanwhile, petitioned Strafford for permission to walk abroad, which Strafford granted, on condition that the Constable of the Castle accompanied him. "I'll never go abroad with a keeper while I live" was his reply, followed by a lamentable petition over his "old age", "inflictions", "sufferings" and "imprisonment". By this time even Charles began to see that there was something wrong, and sent Strafford a Royal reproof for his "overmuch forbearance and patience", coupled with a direct order to Loftus "to acknowledge his fault and sue for pardon and come over to England".[2]

In December 1638 he made his submission acknowledging that "whilst his Lordship was speaking I did often, and at several times, interpose and interrupt the Lord Deputy, hardly permitting his Lordship to come to a period". He withdrew the charge, that Strafford had instigated the petitions against him, and acknowledged "Miscarriages incivilities, neglects and injuries" and promised more care "to the respect and observance" of the powers that were.[3]

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1) L. S. II—179. 2) H. V. C. III—186—190; L. L. VII—527—8; L. S. II—257. 3) L. S. II—261.

Some months still passed by and yet Loftus kept haggling over putting his lands in trust, pending the appeal. In the Spring of 1640 he had again to be committed, and his lands had to he sequestered by Royal Warrant to make sure that, even after the appeal, he would not avoid the decision.[1] Another effort was then made by Lady Moore and Lord Holland. The latter procured a letter for his dismissal on the ground "of his punctual performance of all things required by us". In fact Holland insisted on drafting the letter himself to show Strafford what influence he had.[2] It was of no avail. As Strafford put it "his Lordship got not his enlargement till he had punctually performed everything formerly injoined by this State, and wherewith, if he had complied at first, his Lordship hath not been at all committed. In the meantime there is a Gloria Patria sung at St. Mary's Abbey,[3] so as the kitchen now may hope to have the honour to become the pillars again of a Church, as formerly they were".[4]

The appeal was a fiasco. Whatever case Loftus may have had he had seriously prejudiced by his conduct. When one remembers his iron regimen in the Chancery Court, the frequent committments for contempt on trivial errors, and this long wrangle with the Council, for no reason but a personal punctilio, which he might as well have conceded at the beginning, it is easy to understand that, even his friends in London, felt that he did not come into Court with clean hands. Northumberland, who was present at the appeal, said that he "never heard a man answer so poorly for himself as he had done".[5] Even the King's presence does not seem to have awed Loftus into some degree of self-control. "It is very true", wrote Strafford to Radcliffe, "the late Lord Chancellor behaved himself passing rudely before the King, in so much he told me that Lord had put a great compliment upon me in having there, publicly at the Board, fully testified all the immediate passages in Ireland, wherewith he is charged".[6]

The Council in London, after a three days hearing, ratified the decision in the case of Gifford.[7] The other cases which had been judged on petition they also examined, and "were unsatisfied

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1) L. S. II—299. H. V. C. III—196—9. 2) Rutland M. S. S. I—509. 3) Lady Moore's House. 4) L. S. II—381. 5) C. L. M. II—618. 6) R. C. p. 196. 7) L. S. II—388.

of the clearness and integrity of his proceedings." Lord Cork gave evidence in regard to the old scandal, when Loftus had urged the Lords of the Pale not to contribute to the army, and on this too he was found guilty. The unanimous decision of the Council was that he bedismissed, and that the Attorney General should proceed against him in the Star Chamber for his conduct in regard to the several allegations.[1]

The whole incident reveals the immense difficulties which faced a Deputy in the administration of Justice in Ireland. Apart from the legality or equity of a case, there was always the probability of a powerful personage or faction, flatly declining to be bound by the decisions of the Council, just as in the lower Courts the warrants and writs were frequently defied in the country districts. Add to this the pernicious habit of vested interests in England encouraging revolting parties to defy a Court of Justice, and we have one of the reasons why the State in Ireland shrank from challenging powerful men, or men with large and truculent followings. The lower Courts generally evaded the difficulty by giving decisions which would not cause trouble.

Irish history teems with the revolts and "risings out" of great men and their followings, who did not like a Judge's decision, and, as the Judge was never sure that he would be supported by the Crown, the bench naturally took the line of least resistance. The vicious circle of weak administration and tolerated revolt not unnaturally effected the composition of the Bench. What man of pride or ability would ambition a position in which his decisions were publicly defied and the rebel supported by the authorities?

Clarendon was very severe on Strafford's treatment of Loftus. So too were the Parliamentarians. They inserted the Loftus case among the articles of Strafford's indictment, but they wisely never brought that case to trial. It was one of the articles they "stayed for the present". In 1642 both Houses of Parliament passed a resolution condemning the Gifford decision, and in May of that year the revolutionary remnant of the English House of Lords tried the case on their own, in the absence of the plaintiff, and reversed the decision. By this time Sir Robert Loftus was dead,

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1) H.V.C. III—209.

and the heir was a girl of fifteen. Strafford's Secretary, who was her trustee, flatly defied the House of Lords, challenging their right to try the case, and, as war raged in every corner of Ireland, no step was taken. On the restoration the then Lord Loftus petitioned for the Estates. Sir Robert Loftus' heir at law, Richard Barrett, challenged his right. A legal decision had been given by the Irish Council, the English Council, and the King. The decision of the House of Lords was no decision, as, at the moment it was given, there was no House of Lords in legal existence, it being at war with the King. Both parties then proceeded at common law by order of Charles II. The Irish Lord Chancellor refused to make a decision. He declined to take the onus of deciding the constitution of the House of Lords, what made a House and what was the value of its ordinances. In May 1675 the case came before the House of Lords. They determined not to confirm the order of the previous House, but to hear the case again. In 1677, they decided in favour of Lord Loftus. They took the view that one uncorroborated witness was not sufficient testimony, that the Council Board had no right to try the case, that a verdict for the plaintiff would leave the Loftus peerage without visible means of support, and that the fact that Sir Robert Loftus had taken no part in the proceedings vitiated the claim of Lady Loftus' trustees to act.[1] Thus ended the cause celebre, on which Strafford had fought for the right of the Council Board to give decisions, subject only to an appeal, duly and reverentially made to the King.

The case however had a deeper significance than at first sight appears. It was the first example in Ireland of the equality of the subject in the eyes of the law. It was the first time that the greatest subject in the land had been placed on an equality with one who was not of that quality. Rank, political influence, family connections and a large horde of supporters availed Loftus nothing. It is not till one reads the records of the periods, and notes how "greatness", friends with influence in London, friends with connections in Dublin, and friends with followings on the hillsides, enabled the oppressor to work his will, and the anarch to ply his trade, that one realises the issues at stake in this prolonged contest. In that contest Loftus first shrank from the test of the Court, and

1) H.V.C. III pp. 230—249, H.M.C. IX—328.

then repudiated its decisions. Then he made an appeal to "Great Ones" to enable him, and him alone, to be above the law, outside the law, while sworn to maintain the law and live by the operation of the law. If the rest of the Strafford region had been of no import, it would, in that case alone, have been notable for the consummation that "the poor knew where to seek and have his relief, the good secured, and the bad kept in humility and fear".

Chapter IV

THE LAW AND THE SWORD

> Local judges, exercising their dependent functions in a narrow society, must be the worst of all tribunals. In them it will be vain to look for justice towards strangers, towards the obnoxious rich, towards the minority of routed parties, towards all those who have, in an election, supported unsuccessful candidates. . . . To execute laws is a royal office. A political executive Magistracy is a great trust. Means of performing this duty ought to be given by regulation. BURKE.

After Strafford's financial administration his administration of justice may be said to be the greatest feature of his regime. Indirectly the boon of national prosperity in those ten years is largely due to the ensuing fact that life and property were safe, and contracts sacrosanct. It is curious to notice that, whenever one of his friends wished to compliment him on his Irish administration, it was this feature on which they dwelt most.[1] The penalties imposed on Lord Kilmallock, the careful selection of new judges, the check placed on secret appeals from the Courts to the London Council, all contrived to purify the administration of justice. Add to this that the Castle Chamber sat twice a week to hear in forma pauperis appeals from "the meaner sort" by petitions, and we have a state of affairs in which the aggrieved had every opportunity of procuring simple, drastic, and cheap justice. The very fact that, out of this vast number of decisions at the Council Board, where Strafford had only one vote, less than half a dozen appeared in his indictment, and the majority of these had to be "waived" shows the general equity that must have prevailed under his auspices, in an age when the less said about the Courts the better.

1) C. S. P. 1633—18; C. M. VIII—7; L. S. I—334.

At his fall his opponents made the most of this Prerogative of judicature for various reasons. In England the Star Chamber was in very ill odour. To represent the Castle Chamber and the Council Board as a weapon of tyranny was very easy before an English audience, who had no conception of Irish conditions, no idea that they were Courts of an old standing with a history behind them, and not the faintest idea of the difficulties of administering the Common Law in rural districts by frightened juries, amongst a population very prone to local intimidation.

There was, however, another reason. A Court such as this was the bulwark of the Prerogative. The middle and upper classes of England were asserting their claims to supremacy, and naturally at a Court like this they struck, and struck hard. With them the Star Chamber in England was singularly unpopular, and its Irish counterpart came in for a share of that unpopularity. In Ireland, however, it was a restraint on "the men of power". In fact it was the only restraint. Judges and Juries were always at their mercy, but a Court of such a varied composition, composed of the Deputy and one or two of his friends, the Governors of the three Provinces, two or three Great Lords, five or six senior judges, and now and again a Bishop,—it was very difficult for any man, however, eminent, to influence a majority of such a body.

Apart however from this aspect of the matter there was fast rising into prominence a fresh vested interest, destined to rule Ireland for two centuries. The Strafford regime facilitated enormously the transition of Ireland, from feudalism to modernism, from the rule of the monocrats to the rule of the Central Power, which had for its great object, peace, compromise, and unity. During that process the Common Lawyer had begun to appear as a great public personage. The majority of the leading men of this epoch were lawyers, and the military caste was fast losing its grip on the control of Ireland. The law was becoming a respectable pursuit for a gentleman's son.

This rising class was hostile to the Council Board and the Castle Chamber, to the Dispensing power of the Prerogative, to the claim of the Executive to interpret Law according to the exigencies of a case, instead of in accordance with inferences from Statutes, judical decisions and case law. To this great vested interest and its claims to be consulted in every Proclamation, and

its claim to say to the Prerogative "thus far shalt thou go and no further" "to circumscribe His Majesty's Catholic Justice"—as Strafford used to put it—the King and Strafford were bitterly hostile. Conversely too the opponents of the Status Quo saw in what Strafford used to call the "Gownsmen's whimsicalities" a weapon to embarrass the Prerogative under the guise of the word Law, which all honest men respected. Nearly every lawyer was a Parliamentarian, and the effect of the Revolution was to make the administration subservient to the Judges, and not independent of the Courts, as it is in French Law.

One of the reasons why Strafford laid such emphasis on the Council Board and the Castle Chamber was to check the growth of the Common Lawyer. When he was applying for his warrant for the Castle Chamber he said "I know very well the common lawyers will be passionately against it, who are wont to put such a prejudice upon all other professions, as if none were to be trusted or capable to administer justice but themselves".[1] One of his first acts was to appoint a Commission to cut down legal fees "to the intent that the subject may gather the blessed fruits of his Majesty's justice and protection, with as great expedition and small expense as may be".[2] The greater part of these fees were of the nature of "uncertain exactions", gifts which had really become statutary payments. They must have been oppressive because his first Parliament petitioned for their reduction, and he speaks of them as "a disease ripe for cure" and "unduly and unwarrantably exercised".[3] We know too for a fact that they constituted a real barrier in the path of Justice. The clerks of the Records used to bestir themselves with a full copy for a large fee, and but a few words for a small fee. The Chancery Court was the worst offender in this respect. In 1622 "there was no rule to square the conscience or to curb discretion". The disease percolated through every branch of the administration, local as well as central, and the humble Corporation inspectors of pint pots for "baksheesh" used to turn a blind eye to short measure for a large fee.[4] Wandesforde, when he became Master of the Rolls, had the fees of his Court printed and exposed to view.[5] Strafford's Commis-

1) L. S. II—201. 2) L. S. I. 186, 293. C. S. P. 1635—99. 3) L. S. I—305, 319. 4) T. C. D. F. 3. 16. 5) Life of Wandesforde. Comber. p. 90.

sion was also a certain deterrent. A Bill, based on the report of that. Commission was introduced into the second Parliament, but of course disappeared on the confusion that followed his execution.[1] Pending the enactment however, Strafford had a standing proclamation in force ordering that "every man may know what is to be paid", and calling on all and sundry to report to him all "excessive exactions".[2] It is worthy of note that, in the Council Board, a motion only entailed a clerk's fee of ten shillings.[3]

This Commission however, did not affect the judges. If anything they were underpaid, and Strafford always ascribed the low calibre of the bench to "This mischief that men of ability despise and neglect it". The contempt for the Courts in Ireland he always held was due to the mediocre calibre of those ill paid judges.[4]

This low calibre was due to one cause. Up to the end of Elizabeth's reign, the Courts of Law were only a minor branch of the administration. An aggrieved subject petitioned either his manorial Lord, the Governor of his Province, the Council, or Elizabeth herself, and one or other of these issued a ukase. Judges were accordingly mere clerks, and, up till 1630, the only judge of any eminence was Lord Aungier, while some, it is to be feared, approximated to the Kilmallock type. The reign of peace, however, had now arrived. The subject was "a freeman" demanding law. The burst of legislation in 1635 gave the Courts powers of coping with a vast number of cases, which had hithertoo either been ignored by judges, or settled by the Council. The calibre of Judges slowly improved from 1630 to 1640.

Bolton and Lowther were noted by Strafford as valuable public servants, whom herecommended to the King on the eve of his execution.[5] Wandesforde, who was Master of the Rolls, was a man widely respected for his calm judicial mind. Catelin, who was Speaker of the Irish Parliament, is described by Strafford as an orator of some ability.[6] The most famous was Barry, subsequently Lord Santry. His judgement on the case of Tenures is undoubtedly that of a lawyer of the first rank, couched in the language of a scholar. The last two were "native born", and sat

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1) H. C. J. I—141. 2) C. P. I—95; T. C. D. F. 3. 15. 3) H. V. C. III—207. 4) L. S. I—223—334. 5) L. S. II—418. 6) L. S. I—277.

in Parliament for the City of Dublin, which denotes a certain general respect and popularity.

The difference between these and their predecessors is so marked as to be worthy of attention. It reveals an increase in the dignity of the law. It should be remembered that the acid test of a Government is its administration of justice. Against none of these judges was any serious charge made, at the moment when the Irish administration was being ransacked for charges against Strafford's nominees, and when five English Judges were actually arrested by the Long Parliament. From this we may safely deduce that the great judicial function of state, without which Government is a farce, was conducted ably and well, and that the subject was satisfied, which he certainly was not in the previous decade. We get but one glimpse of how Strafford manned the Bench. When a younger man he had been engaged in a lawsuit. He then noted the exceptional ability of the Counsell engaged against him. When there was a vacancy on the Irish Bench he wrote over to England to try and induce this lawyer to come over to Ireland. Coventry described him as "a man well learned in the law and very honest", and congratulated Strafford on his" noble regard to supply the Benches of that Kingdom with able and good judges".[1]

Concurrent, however, with the Law Courts were the Council Board and the Castle Chamber. The latter only dealt with cases of "contumacy" against the King, in forma pauperis appeals, and misuse of Church, Plantation and Crown Lands. The former covered these cases also, but, on a warrant from the King, could absorb any case that it saw fit, but only on such warrant. Where Strafford differed from the Parliamentarians, was, that he held that the King should retain this right in cases where public policy rendered it desirable. If Strafford had had his way, English law would have approximated to French, and Le Droit Administratif would have been a part and parcel of our Constitution. Whether this would or would not have been desirable in England is a large question. That it would have suited Ireland is undeniable. The Irish subject, like the French, throws all his sympathies with the individual against the public authority in a jury trial, be that authority the Imperial Power or a Parish Council, just as the

1) L. S. II—44, 46.

English juryman always mulcts a Railway Company in heavy damages. The French have got over this difficulty by submitting cases between the State and the subject to a special Court, operating under a special code. Ireland has tried to escape the difficulty by a whole series of special codes and special commissions, which are often entangled in the Common Law, and only make confusion worse. Strafford was undoubtedly in the right when he held that, when the State sued an individual in Ireland, it should do so before special arbitrators, just, as in modern days, agrarian intimidation is always prosecuted, not before the local Bench, but before a State magistrate, who holds his office at the pleasure of the Crown. This system has worked in France, and, where it has been partially adopted in Ireland, it has undoubtedly succeeded.

There is one curious example of Strafford's great hostility to the encroaching of the lawyers on the right of the King,—when State Policy demanded—to substitute equity and expediency for the strict letter of the law.

To avoid the constant servings of summons on Recusants in Yorkshire, he had made an arrangement with the Recusant leaders, whereby they paid a lump sum every year in composition for the Recusancy fines. An Assize Judge, in his address to the Grand Jury, ordered them to see that these fines were enforced every week in accordance with the Law. "I beseech", wrote Strafford to Coke, "that he be convented at the Council Board. He distracts his Majesty's Government and affairs more than ever he will be of use to them. I am a most earnest suitor that he be not admitted to go this circuit hereafter, and indeed I do most earnestly beseech his Majesty by you, that we may be troubled no more with this peevish indiscrete piece of flesh. All the Recusants are ready to run from their compositions, thinking that there is no faith to be kept with them on this earth. I confess I disdain to see the gownsmen in this sort hang their noses over the flower of the Crown, blow and snuffle upon them, till they take both scent and beauty off them". To Strafford the Dispensing Power was part of the constitution. To the judge a law should be inforced in the letter to every jot and tittle. Between two such attitudes as this there could be no compromise [1] The constant and reiterated inter-

1) L. S. I—130.

ference of the Courts with the dispensing power, and the growing encroachments of the lawyers on the administrative power, was the secret of Strafford's prejudice against the claim of the judges to say what the Government should not do. This claim was all the more embarrassing when a statesman never knew when and where it would be asserted, so tangled and mysterious was statute and case law at this period. "Fantastic apparitions" he one time described the reasonings of the Parliamentary lawyers.[1] It was this attitude of mind that made him appoint judges in Ireland "contained in that due subordination to the Crown, ministering wholly to the Sovereigntry, carrying a direct aspect upon the Prerogatives of His Majesty, without squinting aside upon the vulgar and vain opinions of the populace".[2] In his eyes the judges were the servants of the Government, and not its masters.

The "passage of the law", however, in Ireland depended rather on the enforcement of the judicial decisions than on their sonorous utterance.

All during the Chichester, Grandison, and Falkland regimes men with influence and men with followings defied the Courts. A deposition from Ulster gives a curious insight into the mentality of men in the more backward areas. "Then Brian rose from his couch and said unto me "Tarry until I have talk with thee. Thou hast been a servitor unto the King, and hast brought many men to great trouble and some to their death. If thou shouldst serve for five years more and cut off many more, thou shouldst have nothing but be, in the end, hanged for thy labour. I was at the Assizes the other day, and Justice Aungier was ready to revile me like a churl, if I did but look awry, and the other black judge would lean his head upon a shoulder to see if he could espy any occasion to hang me. I will not come among them any more, and, if thou wilt take my council, I shall have no occasion to think my sword ill bestowed "Then he drank aqua vitae out of a little bottle, extraordinary aqua vitae".[3] Such was the attitude in some circles —by no means humble—towards the Courts of Law. It explains the frequent "rescues" of prisoners, intimidations of witnesses, and assaults on Sheriffs and Court Officers. The method employed by Strafford was to prosecute the highest in the land in preference

1) L. S. I—173. 2) L. S. II—'8. 3) C. S. P. 1615—29.

to the minor men, the example of a few of the former being a warning to those of the latter who were so disposed.

It should be added that, despite these brawls that loom so large in State documents, the Deputy himself put it on record that "those are many that be sober in conversation, and faithful towards the Crown". [1] The growth of prosperity at this period and the reorganization of the Executive in other directions was bound to create that public opinion, which always restrains the anarch, and which sides with the law against the lawless. As a final court of appeal, however, there was the army. The very fact that it only consisted of 2.000 men shows how strong the hold of the Government must have been on the country, at a time when there were men like Clanricarde, Antrim, Ormonde, and Inchiquin, any one of whom considered himself a match for the Government. This army Strafford disciplined and reorganized to an extent that rendered it famous. It existed, accordingly, as a last resort to be brought into play when the Civil power failed to exert its authority. Strafford's own troop was kept "in readiness upon an hour's warning to march. It was of a mighty reputation to the service of the Crown, when they saw me in such a posture, as I was, upon an hour's warning, able to put myself on horseback, and to deliver; in spite of all opposition, a letter in any part of the Kingdom". [2] This military attitude may seem somewhat theatrical in view of the general atmosphere of peace, but, from day to day, men never knew when some combination would not assert its claims. A chief of the MacDonalds one time demanded the hand of a settler's daughter. Indignant at his refusal he gathered a crowd, attacked the homestead, "and there, before the eyes of the poor daughter, cut the miserable father to pieces", and departed, dragging away the girl in triumph. [3] How this conduct was regarded in certain circles can be estimated from the fact, that the Earl of Antrim seriously proposed to make him an officer over his Royalist levies, and requested Strafford to allow this exiled gentleman to return to Ireland. [4] When Scotland flew out the infection spread to Ireland. "The beggarly desperate natives", wrote the Deputy, "fell into a very wicked course of burning the Englishmen's houses this last winter in the Queen's and King's counties, Carlow, Wicklow,

1) L. S. II—112. 2) L. S. II—17. 3) L. S. II—210. 4) L. S. II—358.

and Wexford. I caused these villains to be so closely pursued as most of them have been taken and passed the hands of Justice. There are some 40 freebooters out in Donegal. These I fear not to fetch in shortly".[1] Whenever the storms blow in Ireland, the landless burn the houses of the farmers. A Government, that is not prepared for this eventuality, generally fares ill, or has to fall back on the posse comitatus, whose methods are usually too drastic. The suppression of "stirs" by levies of Irishmen, not under military discipline, generally makes lugubrious reading. The methods of the yeomen from Cork and Clare towards the Wexford rebels and the Belfast revolutionaries in 1798 still live in history. It is generally conceded that those who "fly out" should be "brought in" by a Crown force.

The administration of the law by soldiers, in case of contempt, gave a great shock to the English people, when they first discovered it at Strafford's trial. It was 200 years since the "men of power" had defied the Government, vi et armis, in that country, and the average Englishman was horrified at the idea of "men with arms" apprehending malefactors, or "marching" to the house of a country gentleman who had defied the sheriff. Strafford explained the situation as follows. "Your Lordships hear much speaking of rebels and traitors. I desire to represent to your Lordships what they may be, viz a company of petty loose fellows that would be here apprehended by a constable". Lord Dillon, explained matters further, "When a party hath committed some felony or unjustifiable act, and withdraws himself into the woods, a proclamation is made for his coming in by such a time, to render himself amenable to the law, and, if he then comes not in, but keeps out, in common reputation he is accounted a traitor or a rebel".[2] From all time the procedure then was to billet a few soldiers on his house, who lived at his expense, till such time as he came in and submitted. The last trace of this form of Jurisprudence is the Sheriff's man in possession.

One can understand why this function had to be fulfilled by soldiers. Apart, however, from the safety of the minions of the law there was another reason. During the spacious and stormy days of Elizabeth the policy of the Crown was to appoint as sheriff the rival to the reigning chief, and this pugnacious sheriff provided

1) Cowper M. S. S. II—230. 2) R. P. VIII—442.

the requisite posse comitatus out of his henchmen. The Venerable Miler Magrath—an ecclesiastic of doubtful piety, but great knowledge of Ireland—wrote thus to Elizabeth. "It should be provided that the sheriffs do not ride with great numbers of idle men, under colours of executing their offices, oppressing thereby the people, not only by taking horsemeat and man's meat, but also by taking bribes and fines for composition with offenders."[1] Elizabeth, whose Irish blood enabled her to visualize certain peculiarities of Ireland, accordingly ordered that, for the future, the right of exercising Martial law should be vested only in the Deputy, and the armed forces at his disposal.[2] An act of Queen Elizabeth's reign also, forbade anyone, however eminent, "to call together the people of the Country to make war", unless he got a special warrant from the Deputy.[3] From this decision dates the Irish tradition that an officer of the Crown in difficulties should call only on other officers. The habit of appealing to bystanders "in the King's name" expired in the Tudor period. It is only in moments of great stress that the Crown calls on large numbers to come to its aid, an appeal to which a response is always made by those counties and areas which have not "flown out", and by minorities in the disaffected region. This power the venerable Miler conceded in his "book upon Ireland". "And yet", he added "in cases of necessity they are to be allowed to take the power of the country to assist them for the removing of notorious forces".[4]

All during the viceroyalties of Chichester, Grandison and Falkland non-payment of taxes or Crown rents made the defaulter liable to have soldiers cessed upon his house. Lord Cork and Lord Loftus, as Lords Justices, had continued this practice in the case of certain landowners in Longford.[5] Nor was this a mere example of a few isolated cases, happening in backward parts of the country. The instructions handed to Falkland, when he took over the Government of Ireland, contain an order "to collect our rents at the charge of the parties complained of by a competent number of soldiers".[6] The Irish gentry acknowledged the propriety of this course in 1628, when they sent over the "Graces" to London. All they desired was that between the publication of the

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1) C. S. P. 1592—506. 2) C. S. P. 1592—504. 3) Act. II. Elizabeth. Cap. 7. 4) C. S. P. 1592—506. 5) R. P. VIII—443—444. 6) R. P. VIII—447.

default and the cessing of the soldiers, a pursuivant be sent to collect the money. On his failing the soldiers were then to be billeted. [1] This declaration was renewed by Strafford's first Parliament. [2]

When, however, the Country agreed to pay a contribution to the Army a new development occurred. The contributions were not a Crown rent. They were a payment made by each district for the upkeep of the local garrison, a debt to the officers of each Company. On that point the Country was adamant, being determined not to allow the contributions to become a standing branch of the King's revenue. At the same time they petitioned that defaulters be compelled to pay the local garrison by the process of cessing certain of the soldiers. [3]

Accordingly from all time the Deputy had the right to billet soldiers on outlaws. An outlaw in Ireland was one who failed to obey the order of a Court of Justice. Before Strafford's arrived the principle had gone so far that the Vice-Treasurer of the Army could, and did billet soldiders for non-payment of contribution money, without any legal proceding, without any trial as to the legality or otherwise of the debt. As contributions ceased, however, in Strafford's regime this point does not arise. All during his Vice-Royalty, however, contempt of a Court and failure to obey the decision of the court, whether they be ejectments or payments, rendered the offender liable to "cess", after certain court forms of Proclamation and sending a pursuivant had failed to procure obedience. The power seems to have been only exercised at the very last moment. The official, who had charge of the issue of the warrant, said it was only issued "after the pursuivant had gone five or six times for the delinquents", that even then the sergeant-at-arms made three or four efforts, and it was not till, after all these courses had failed, that "Soldiers were laid on". The official also added that, in case of nulla bona—"poor men"—he exercised a dispensing power, and, in another case, where an affidavit was made that the defaulter was of great age the soldiders were withdrawn. [4] This official's evidence is of some importance as it was produced for the prosecution.

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1) C. S. P. 1626—158. 1628—330, 331. 2) L. S. I—313. 3) R. P. VIII—445—446. 4) R. P. VIII—428—435.

This well established method of administration formed the 15th article of Strafford's indictment, an article penned by Parsons, the Master of the Wards, and Ranelagh, the president of Connaught.[1] The first clause accused him of billeting soldiers on Lord Cork's estates, that noble man, when Lord Justice, having exempted himself from the contribution. The Prosecution wisely "waived" that part of the Article. The second clause accessed him of "causing troops armed in a warlike manner and in warlike array with force and arms to expell Richard Butler from the possesion of Castlecomer, and did likewise expell divers of his Majesty's subjects, to the number of about 100 families, and took and imprisoned them, and their wives and children, and detained them in Dublin, till they yielded up their estates".[2]

That clause was also wisely dropped. The serious feature of this Article was camouflaged in the pleadings by the phrase "and subdued divers others of His Majesty's subjects". "Waiving" the two detailed charges, at the last moment, the Prosecution produced a case from Wicklow, to which Strafford had to reply at something like an hour's notice. A man called Byrne was sued for a debt of £5. The case was tried by two justices of the Peace, who gave a decision against him. He declined to pay, insisting that the debt was not due, and defying the court. After a lapse of time four soldiers were cessed upon him, and those soldiers misconducted themselves, and exceeded their duties. A significant feature of the case was that no complaint was ever made to Strafford. In fact he never heard of this abuse till Byrne stepped into the witness-box. Byrne's tale is all the more dubious when we remember Strafford's iron discipline over his troopers, the severity with which he punished military misconduct, and lastly the watch kept by his enemies over every branch of the administration, for the purpose of discrediting him in London. A year had elapsed before Byrne lodged his complaint, and, all during that year, great men in England and Ireland were thirsting for an example of misuse of arbitrary power, such as Byrne detailed. Whether the story is or is not true, it is hard to decide, as Strafford had neither the time nor the opportunity to produce rebutting evidence.

This case was inserted in the Bill of Attainder as "levying

1) R. C. p. 232. 2) R. P. VIII—426.

war on the subject". It was however very shaky. When these soldiers were levied Strafford was in England, and not responsible for the Government of the country. The official who provided the warrant for "laying on" the soldiers said that he did so under a standing warrant from the Deputy. Strafford denied ever having given him such a power. The official failed to produce the original warrant. All he could produce was an unattested copy, made from memory, which unattested copy the Judges declined to admit as evidence. This however, did not prevent the Bill of Attainder assuming that his warrant was produced and accepted. In strict law agency was not proved. The Statute, on which the Prosecution relied to prove "treason" and "levying war" on the subject was a Statute of Henry VI. forbidding anyone "of what condition soever he be" to coshier soldiers on the subject. The intention of that Act was the prevention of one subject exacting coigne and livery from another. It did not preclude the rights of the Crown. The Crown could not then be precluded in a Statute unless specially named. It was partially repealed by the act of Elizabeth enabling the deputy "by warrant" to dispense with this veto on cess. It did not cover at all the case of "the outlaw", the subject in contempt, any more than a statute against assault precludes the right of the policemen to use his baton on a desturber of the peace. The statute, as it stood, only forbade the cess of "English rebels, Irish enemies, hooded men, hobblers and kerns", a description which scarcely applies to the King's forces.

The origin of this act is obvious. In 1569 for instance a Mr. Keating of Ferns, having a dispute with a fellow citizen in Wexford, "raised an uproar of men into the town and brought Kern and skirmished the streets".[1] To twist an act, devised to restrain Mr. Keating and his "Kern", into Treason for placing bailiffs in a defaulter's house, is certainly legal ingenuity run mad. Lastly the practice of 200 years, a practice sanctioned by the Sovereign, the council, the courts, the deputies, a council of the Lords, and a resolution of Parliament swept away whatever claim the Prosecution had to represent this as an excess of the prerogative.

The second Statute on which the Prosecution relied was 25 Edward III. "If any man levy war against the King in his realm,

1) W. H. 1 p. 176.

or adhere to his enemies".—The very phraseology shows the absurdity of the plea.—"One sergeant and four men—two or three poor soldiers sent to bring in a man that will not be liable to the King's Justice—this", said Strafford, "is a strange levying of war".[1]

These were the only abuses ever alleged against Strafford's administration of the law. Two of the three cases were not brought to trial. The third allegation was suspect as suddenly conceived, never complained of before, and produced in circumstances that forbade rebutting evidence. In a passionate country like Ireland, where the forces of law are in constant conflict with aggressive men and factions, a regime of nine years, in which the law was sternly administered, must have been remarkable for a careful, meticulous, and equitable administration of justice, if, after a prolonged, and censorious examination of the whole administration of Justice, this is all that could be produced to bring it into contempt.

The downfall of Strafford altered the whole administration of the law. To the Castle Chamber and the Council Board the English and Irish Parliaments were bitterly hostile. To the former they appeared as the bulwarks of arbitrary Government. To the latter they were the great restraint on violence and intimidation, without which,—or the threat of which—no political party in Ireland can hope to achieve its end. Above influence, equipped with great powers, and fearing none, these two courts were the mainstay of the minor men, the veiled power against which "greatness", "barretry", and "embracery" dashed themselves in vain.

Sentimentalists of the "Rob Roy" school have clad the opponents of the law with a halo of glory, just as many, who regret the disappearances of the picturesque highwaymen, would shudder at a footpad or a burglar. Here is a glimpse of Ireland just when Strafford was beginning to let loose his minions of the law. "Sir Henry Wallop advised me to go by Ballybrack rather than by Ross, because of the rebels which frequent thereabouts. Hereof he said there were six or eight, and these furnished with some pieces, pistols, darts, and some of them most desperate fellows and so cruel, that the inhabitants of the country dare scarce travel that

1) R. P. VIII — 427—458. 635—7.

way. These are proclaimed rebels and are to be hung, drawn and quartered, as soon as they are apprehended. One of them I saw in the street being carried to the Castle."[1] In a private letter dated 1639 Strafford writes "The last of the rebels has just come in".

When, however, Strafford fell, when the Council Board and the Castle Chamber disappeared, when the army was all but demobilised, when Juries were at the mercy of threats and influence, Justice and Liberty, in the true sense of the words ceased to operate in Ireland, and men sought safety in other and more dubious methods. "Rescues and forcible entries", wrote Michael Wandesford, "are so common since the Earl's death that it is questionable whether security be in law or in outrage".[2] Violence breeds violence, and those who take to the sword in Ireland very soon find that others can do likewise. All during the summer of 1641 the leprous miasma of outrage was a spreading over every county in Ireland. The sudden paralysis of two great Courts, the Veto on the use of the armed forces of the Crown to enforce the decisions of the judges, the instantaneous collapse of the Jury system before the pressures of "greatness", all combined to create an atmosphere, electric with the spirit of outrage. "No martial law" wrote St. Leger", "No governors, no army, no plantations, no Justices of the peace but natives! No punishment of jurors! No judication but the common law! Oh that I were with you but half an hour to laugh!"[3]

What accentuated the evil was the new form of jurisprudence the Parliaments of both countries introduced. Trial by petition to the English House of Commons was substituted for the courts of Law. The number of Irish petitions to Wenstminster to try cases of title was legion. One can easily imagine the justice of the ukases of that hydra, and their demoralizing effect upon Ireland. Cnogher O'Callaghan, writing from Munster, gives the following glimpse of the ensuing chaos. "McDonough has lately come from England. He threatens to recover all the money you ever received. He threatens to question any that shall distrain on your behalf. His son gives out that he has direction from the Parliament of England to get all back. By favour and by fear the tenants paid him their rents, and many of the lands in the country are likely

1) W. H. —248. 2) English Historical Review IX—553. 3) Egmont M. S. S. I—143.

to be waste. Free me from danger. They have got the King's land and power to distrain for past rents, so that the tenants dare not graze it." These Mandami, with all the glamour of Westminster, were operating in nearly every county, disturbing all titles, decisions, and compositions in favour of—we may be sure—the worst kind of subjects, who flocked across to England, button-holing, legislators and vociferously explaining, not so much the justice of their claims, as their pristine enthusiasm for the sanctity of Parliaments, and their sacrifices for the cause of liberty. There was not a party in Ireland which had not its friends in Westminster willing to procure such ukases for deserving patriots.

The collapse of Strafford's judicial machine came when the Loftus decision was reversed by the English House of Lords. Strafford had always insisted that the Irish Courts and the Irish Courts alone were to try Irish cases. The practice of appealing to the English courts had been increasing. The following is a typical petition to the English Secretary of State. "I have petitioned the King that the Lord Keeper in England may be directed to hear and determine the matter. I and my brother will speedily present their thankfulness". [1] The opposing litigant, Lord Lambert, at a subsequent stage carried the Irish House of Commons with him, and, by using its assumed judicial prerogative, harried and annoyed all those, to whose lands he thought he had a title, especially the Earl of Cork. [2]

In 1635 Strafford induced the English Lord Chancellor to refuse to hear such appeals. In 1638 he drew up a special panel of Irish barristers who would act for Englishmen having interests in Ireland. These he guaranteed would act as bona fide advocates for strangers, suspicious of the Irish Courts. [3] When Loftus appealed to the English House of Lords to reverse the decision of an Irish Court that independence was at an end. The Council protested, but they got no support in Ireland. The House of Lords reversed the decision and that reversal stood as an precedent, from which Ireland never really shook itself free. The little flutter of independence at the end of the eighteenth century was but a flutter and no more, disowned by Parliament itself twenty years later, sapped by a rebellion against the new authority, and finally re-

1) Cowper M. S. S. II—92. 2) L. P. 2. s. IV—209. 3) H. V. C. III — 183.

versed with the consent of the bulk of the newly enfranchised forty shilling and Roman Catholic freeholders. From the stampede to London that followed Strafford's downfall, from the universal desire to hale the rising star of the English Parliament, from the inevitable logie of the inevitable consequences, despite occasional denials sometimes by one class and sometimes by another—each protesting party being, the ascendancy of the day—Ireland never escaped.

PART II

PARLIAMENT

Chapter I

RAISING SUPPLIES

> "A generous nation is grateful even for the preservation of its rights, and willingly extends the respect, due to the offices of a good prince, into an affection for his person." JUNIUS.

Parliaments in Ireland developed along unique lines, peculiar to Ireland. Most countries have found in these bodies a medium for assailing tyrannies and local autocracies. In Ireland, on the contrary, the Parliament was always the possession of the dominant vested interest of the day. The failure of the Irish Parliaments, at all periods, to mobilize a large body of opinion against the Government, was that it was always the special purlieu of whatever economic or political vested interest was in the ascendancy—and therefore unpopular under the rose—and it was to the Executive the multitude looked for protection against this agressive institution.

The first Irish Parliaments legislated for those areas, that had come under the Imperial protection, or whose Lords had formed alliances with the Deputy. These were rather of the nature of Councils. On the Statute Rolls it is recorded that "The King wishing to provide for the Government of Ireland has decided that certain things be ordained and observed by the assent of the Council". "We wish", the document adds, "that our own and that land's affairs, especially the arduous and great, be discussed in Councils by our learned Councillors, and Prelates, and Magnates, and by some of the more discreet and virtuous men, where these Councils may happen to be held—to be called for this reason to Parliament".[1]

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1) C. S. P. 1625—1660—321.

The first Parliament to compose commoners was that held in 1297, "two better and more discreet knights" being chosen from each shire. In 1311 Corporations and boroughs returned two members each. The area so represented covered not only all Leinster and all Munster, but extended as far as Roscommon.[1] What is most curious is the frequency of the subsequent Parliaments. The explanation is that, down to the reign of Elizabeth, the Crown depended on the great territorial Lords, could do nothing without their consent, and had to summon them frequently on each new developement in the situation. Edward III. called 10 Parliaments, Richard II. called 5, Henry IV. called 4, Henry V. only summoned 2, but Henry VI.—or, to be more accurate his Deputy Richard, who was secretly mobilising the Irish chiefs,—actually called one in every year, and sometimes two or three. An Act of that reign decrees that only one Parliament shall be called in a year, which looks as if the "Great Ones" were getting weary of frequent journeys to Dublin.[2] Edward VI. summoned one every two years, Richard III. held two in three years, Henry VII. held one every four years and Henry VIII. one every six.[3] Queen Elizabeth began well with five Parliaments in her first 27 years, but the situation was now changing. The question had now arisen as to whether the Crown or the monocracies were to rule Ireland. The Crown threw itself on the support of the great voteless mass, there being very few forty shilling freeholders in an Irish County. Irish Parliaments were now a danger to the Crown. They would be manned with its enemies, some open, the majority secret. Between 1586 and 1633 only two Parliaments met, and they were hastily dissolved. As Strafford one time put it. "His Majesty rejects with scorn and disdain all foreign instructors between him and his people".[4]

Part of the difficulty in Elizabeth's reign was the disturbed condition of the country. The wars of the Crown versus the Lords, of the Lords with each other, and the furious upheaval of the minor men against these Lords made anything like the summoning of a Parliament sheer madness. Despite all these upheavals, however, the area willing and able to return members was steadily increasing. There were 24 country Members in the Parliament

1) U. H. C. II—189. 2) Act 34 Henry VI. Cap. 6. 3) C. M. S. — 165. 4) L. S. I—246.

of 1297, all Ulster being only regarded as part of the liberties. In Mary's reign the country constituencies numbered 15. In Elizabeth's reign 16 new counties were added. Her last Parliament comprized 127 members. James' solitary Parliament was the first to contain members from all Ireland.[1] Twenty six Cities and boroughs, each with two members, made up the full strength of Elizabeth's last Parliament.

At first the election of members was vested in the forty shilling freeholders. In 1542 a knights' elector was qualified if possessed of lands "to the yearly value of 40 shillings".[2] In fact however, the electorate was very small. In Leitrim in 1611 there were only legal two freeholders, the Earl of Clanricard and young O'Rourke.[3] The early Tudor land policy had resulted in a system whereby "there was but one freeholder made in a whole country".[4] The Irish Aristocracy were very unwilling to give leases, and seldom created freeholds. It broke their power over their tenants. One of the Bills Sir John Davies intended to introduce, in the Parliament of James, was one forbidding land to be let, save on a minimum lease of ten years, a Bill which, needless to say, did not pass.[5] The agrarian settlement, however, in James' reign undoubtedly created a large number of voters. The new policy was to give the chief only his demesne land in perpetuity, and to leave the tenants free "charged only with certain rents in lieu of all uncertain Irish exactions".[6] The Crown policy, as explained by Chichester, lay "in breaking the factions of great men and the withdrawal of the people's dependence on them, by alloting competent proportions to fit freeholders in every country".[7] The result was an undoubted increase in the number of voters. In Cavan the Plantation created a healthy squad of native freeholders, where it was doubtful if there were half-a-dozen before. In Ulster, however, this system had a most curious result. The native gentry never created a freehold on their estates. The Scotch and English planters, when they brought in Scotch and English colonists, had perforce to create freeholds. The native population, having never had a lease or a freehold from their own Lords, were quite willing to take tenancies-at-will from the undertakers. The inevitable

1) U. H. C. II—191. 2) Act 33 Henry VIII Cap. I. 3) C. M. S. p. 169. 4) D. H. T. p. 204. 5) C. M. S. p. 162. 6) D. H. T. p. 206. 7) C. S. P. 1608—471.

result was that all the Ulster county constituencies returned members of the planter class, despite the fact that the majority of the population were natives, and the British planters few and far between.[1]

The Cities and Boroughs, however, were of a far more complicated nature. The Registration Act of Henry VIII had decreed that the urban members were to be chosen "by the greater number of the inhabitants"[2] Chichester, however, found some of these boroughs as tied to the feudal chariots as many a rural constituency". "Some" he wrote, "return that are but tenants at will and pleasure to certain Gentlemen, who have the fee farm, or by lease for a few years, so as they are doubtful to make themselves for burgesses without the landlord's consent".[3] Some of the older cities also were under the iron control of the merchant families. How lax registration law was can be guessed from the following entry in the books of the Youghal Corporation. "As in all flourishing towns, the chief officers, as men of good demerits, are in more estimation than others of an inferior rank, for that magistrates by long experience know what is best, it is therefore enacted by the Mayor, bailiffs, burgesses and commons that every Mayor shall have in every election three single voices, the recorder, bailiff and aldermen two single voices apiece".[4]

Suffice it to say, that a Parliament of such a composition could by no means be called a Council of the Realm. The Rural Constituencies swamped the urban. The small villages and small towns, if unchartered, had no voice whatsoever in the choice of a member. The rural districts themselves were at the disposal of the great feudal families. It was, in these circumstances, for a variety of motives, that James determined to create a large number of new boroughs. Naturally the proposal was bitterly resisted by the squirearchy and the older cities. After an uproarious scene in the House of Commons a large number of members walked out, took the next ship across to England, and denounced the change in all moods and tenses. "New Corporations", they said, "are created, not only within the late plantations, but also elsewhere, and many, if not most, of those since the summoning of Parliament; and

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1) C. M. S.—393—418, 135; C. S. P. 1634—62—67. 2) Act 33 Henry VIII Cap. I. 3) D. H. T. p. XVII. 4) Council Book of Youghal p. 18.

clerks and others here, who have little or no estate in the Kingdom, and in special within any of the Corporations, are to be returned as burgesses to have voice and place in Parliament".[1] In this there was a certain amount of truth, but the protesters omitted to state that their own constitutencies were in some cases more nebulous. Athboy, Cashel, and Dingle were at this time in a perilous plight, as regards population. Athenry was "abandoned and utterly decayed, and now has very small and poor habitation".[2] Leitrim as we know consisted of only two voters. Many of the new boroughs were already thriving settlements. By 1629 Bandon was a larger and more prosperous city than Londonderry, its decay dating from 1641 when it was destroyed by the rebels.[3] Baltimore was the fourteenth city on the list of the Customs yield, being above Dungarvan and far above Dingle.[4] James' reply to the cities is worthy of reproduction, partly to show the reasons for the creation of boroughs in those days, and partly as an example of the Royal method of address to gentlemen. "What is it to you if I made many or few boroughs? What if I had made 40 noblemen and 400 boroughs? The more the merrier the fewer, the better cheer. I have used my eyes in taking a view of those boroughs. I find the new boroughs, except one or two, to be as good as the old, and yet, beside the necessity of making them, like to increase and grow better daily. I find besides but few erected in each country, and, in many counties but one borough only, and those erected in fit places, near forts or passages for the safety of the country. You that seek the good of that Kingdom should be glad of it. For the persons returned out of these boroughs you complain that they have no residence. If you had said they had no interest it had been somewhat, but most of them have an interest in that Kingdom."[5]

This reasoning is somewhat startling to modern ideas, when the ideal form of representation consists in first creating the town, and then according it the franchise. At that period however, budding towns were given the franchise as an aid to their development. The Scotch boroughs had come into existence as Parliamentary units by the same method.[6] "The new Corporations", said Chichester, referring to those in Ulster, "were made

1) C. M. S. p. 265. 2) C. M. S. p. 296. 3) Cowper M. S. S. II—454.
4) C. S. P. 1625—1665—275. 5) C. M. S. p. 290. 6) U. H. C. II—301.

by the Kings' express order, thinking it would be injurious to his good subjects of the new plantations in Ulster and other plantations in the realm, to exclude them from having voices in the present assembly of Parliament, since the affairs therein treated, concern the whole realm and their posterities".[1]

This was the period when the Government deliberately set itself to create towns in Ireland, to the horror of the feudal gentry, who knew from experience that a town was no friend of theirs. "A curse on any of my children who build a house", was the malediction of one of the greatest of the Irish chiefs.[2] Sir John Davies was very anxious to allure the kern "from the woods and mountains into plains and open countries that, like wild fruit trees, they might grow the milder and bear the better and sweeter fruit".[3] Chichester had hopes that in towns and villages they "would be invited to labour and painstaking".[4] It was a Plantation rule that the labouring population should "dwell together in villages and town-reeds, and not in unaccessible mountains, "and the authorities had vague hopes, which needless to say were not fulfilled, that Parliament would pass an Act compelling "the common sort of people to dwell and inhabit together in towns and villages".[5] The lavish doles of charters and representation to budding towns was part of this policy, which was dashed in the end, partly by the Rebellion, and partly by the rural gentry capturing the control of the Corporations, and converting them into nothing but electioneering cauci for political purposes, their municipal functions vanishing into nothingness.[6] Nevertheless a large number of these new boroughs throve, and the franchise, we may presume, assisted their growth. All the Ulster towns of any importance date from this grant. Ennis, Tralee, Tipperary, Mallow, Lismore, and Sligo are among the Country towns, which, before this period, were very nondescript affairs, if they existed at all.[7] Nor should we assume that their tiny dimensions made a franchise ridiculous. The population of Ireland was only 500.000, and a town with a hundred votes was of some account in that primitive period.[8] No small number of them, it is true, faded away before the hostility of the feudal gentry, the outbreak of 1641, and lastly

1) C. M. S. p. 266. 2) C. S. P. 1611 p. XIX. 3) D. H. T. p. 221. 4) C. S. P. 1608—68, 1610—358. 5) C. S. P. 1627—263; C. M. S. p. 162. 6) U. H. C. II—194—195. 7) C. M. S. p. 136. 8) Ven. 1618—386.

the onslaught made on their charters by electioneering agents to convert them into "pocket boroughs" at the end of the 17th century. Nevertheless a large number throve and survived. Politically they adopted exactly the same attitude towards the Government as did the great cities in Queen Elizabeth's reign. They were its firmest supporters as the one protection against the feudal Lords and the jealousy of the old cities. The reference to "clerks" in the petition made to James reveals what was going on. For financial reasons they found it difficult to send two members to Dublin. For political reasons they preferred to have a powerful and independent official as their member, instead of some poor tradesman, who would be frightened out of his wits in a conclave of Burkes, Barrys, Roches, and O'Byrnes. Accordingly they were only too delighted to have a great man in the Government as their spokesman. Strafford's brother sat for Bandon, his secretary Mainwaring for Clonakilty. Radcliffe was member for Armagh, and Wandesforde for Kildare, while Strafford induced Gowran to nominate Sir George Hamilton, because he would cost the constitutency nothing for salary, and travelling expenses, a great point in those days.[1] In recommending young Windebank to Ennis, Strafford informed the burgesses that it would be greatly to their advantage to have as member, one "near to the Deputy", a point the burgesses appreciated.[2] When Bandon got Sir George Wentworth as it member, it became very independent of the Earl of Cork, mutinying before his very eyes, "secretly moving" in Dublin for extension of its charter, control of its keys, and "other things tending to the diminution of my profit", as the Earl indignantly notes in his diary.[3]

A weolthy old city like Cork was not put such shifts. It returned two local magnates, Sir William Sarsfield, the son of Lord Kilmallock and Dominick Coppinger, the Recorder, who "forgave the City all fees or stipends for services", and sallied up to Dublin to embarass the Government by throwing out the Bill against bigamy, "dashing" the Bill for creating gaols and sneering at the new Borough members as "not having the right to sit there".[4] A hundred years later however, the new boroughs—especially those in Ulster—were the upper dog, and, all during the last years of

1) C. S. P. 1634—62—64; H. M. C. VI—43. 2) P. L. p. 119. 3) L. P. s. IV—83. 4) Council Book of Cork p. 174, L. S. I—350.

the eighteenth century, their members were a thorn in the side of the Government, repealing Poynings Law, abolishing the Trade Restrictions, denouncing the Union, and generally asserting their right to a place in the sun. At this period, however, the new boroughs were ardent supporters of the Government, being themselves weak and in embryo, fit rather for prey than for preying.

As the Cities and boroughs, old and new, dominated the Parliament their constitution and character is of the greatest importance. They consisted of four classes, varying considerally. The first class consisted of towns, in which the number of freemen was not limited by charter, in some of which freeholders were also allowed to vote. The older and larger cities were based on this constitution. Down to the middle of the sixteenth century this seems to have been the recognised basis of a Parliament franchise. The charters of Wexford, Dublin and Cashel made freemen out of every resident, or anyone who married the daughter of a freeman. The Act of 1542 enfranchised every forty shilling freeholder, and accordingly, in these cities, in theory, the franchise was democratic. It is not, however, till we examine each of these older cities that we became aware that, in practice, municipal and parliamentary control was in the hands of dominant mercantile families. Galway "rarely admitted any new English to have freedom or education among them, and never any of the Irish".[1] Dublin control had passed into the hands of the guilds, who differentiated in all things between their own interests and those of outsiders. The matter was raised in the House of Commons in 1613.[2] Dingle Cuish was controlled by the Rice family, just as the Earl of Thomond dominated Carlow.[3] This does not mean that the cities were defunct, or the corporations incompetent. The fact was that the process of squeezing out the non-freeman by the freemen—not for political reasons but for the sake of Municipal control—had tended more and more to vest the control of these cities in oligarchies. In the election of the Dublin members for Chichester's Parliament a furious riot broke out in Dublin over the claim of the non-freemen to have a voice in the election. Being the most numerous they held the Tholsell and elected their member with acclamation, while the freemen clamoured vainly outside for per-

1) C. M. S. p. 295. 2) H. C. J. I—16. 3) C. M. S. p. p. 137, 169.

mission to enter. The day had gone by when these Cities were democratic, and, in the reign of Charles II., the Earl of Essex had to remodel drastically their constitutions to enable householders and merchants to gain an entrance into the municipal ring. A comparison of the returns in 1613 and 1634 shows exactly the same families or officials returned each time: Dingle sent two Rices, Carlow an O'Brien, Waterford a Walsh, and Limerick a White. Dublin and Cork on each occasion returned the Recorder. The defect accordingly was the gradual decline of the forty shilling voters, and what was more the concentration of urban control, not in the wealthy classes, but among the descendants of the old merchant families. James created a fair number of these boroughs. In many of them, however, this process set quickly in at the end of the seventeenth century, when the value of a seat in Parliament rose with astounding rapidity. At this period a seat in Parliament was of no pecuniary value, and the gradual concentration of the powers of some of the older boroughs in a few hands was purely due to municipal exigencies.

The next class was composed of boroughs, whose franchise was restricted only to freemen, and that number of freemen limited. Youghal and Kinsale were old boroughs of this type. Bandon, Clonakilty, and nearly all the Ulster towns of James' creation were based on this form of oligarchy. Some of them seem to have thriven under it. The probability is that the original freemen were of the bona fide merchant class, and, as such, managed with skill the large powers invested in their hands. Needless to say, however, such bodies became mere electioneering institutions when Parliamentary seats were of value at a later date. "When Belfast was in its infancy", wrote the Irish Municipal Commissioners, "the Corporation appears to have exercised its municipal powers efficiently. Now it confers on the inhabitants no benefit". [1]

The third class was the manorial boroughs. These were due to the fact that the mooted corporation never came into existence, and the Seneschal or the ground landlord acted as returning agent for the freeholders, there being no freemen. Mullingar was a pre-Stuart Borough of this type. Clogher, Dungarvan and Mallow were enfranchised by James.

1) Irish Municipal Commission I—71.

Last of all however there were the really democratic "pot-walloping" boroughs. Knocktopher, Downpatrick and Swords were pre-Stuart boroughs of this type. Baltimore, Lismore, Newry and Tullow were created by James. Some, like Swords, achieved their prerogative back in the dawn of history. To qualify for a vote or Municipal rights, a resident had to go through all the ceremony of a new-comer entering a village. He had to fire a musket to give notice of his approach, carry a furze bush for firing, and boil a pot, whose contents he distributed to pacify the community. This method of registration lasted down till 1727. The elector's qualification consisted of a door, a window, and a chimney. Residence, however humble, gave a man the full rights of a citizen.[1]

It will accordingly be seen that the Irish House of Commons drew its members from a varied category of electors. Add to this the deep gulfs between districts and races, the feuds, conflicting interests, family ties and political complications, and one understands the reluctance of Deputies to face such an olla podrida. No one could tell what its composition would be, or what subterranean cabal might not suddenly put the Government in a minority.

We have only one account of a contested election. It occurred in the County Down in 1640, for Strafford's second Parliament. This County was typical of three-fourths of Ireland at that time, a large medley of distinct civilizations. In the extreme South lay a Norman Settlement. In the North East and North centre Montgomery and Hamilton had entered as Crown lessees, and "peopled their wastes" with Colonists. Just North of the Norman Settlement the great tribe of Magennis held their heads very high. Their chief was a Peer, their great men were County magnates, and a Jacobean "surrender and regrant" had created some thirty or forty minor squires. Eastward lay a very ancient family of the Savages, and their minor sept the Fitzsymonds, all freeholders. The Earl of Kildare held a small palatinate near Strangford. Westwards lay the O'Neills, whose leaders were Con Ogue, Sir Brian and Sir Henry, and, scattered throughout the country, were Elizabethean and Stuart settlers, such as the Trevors, Hills, Bagnalls, and the Cromwells.

1) H. C. J. III—526.

Four candidates stood. It was clear, at the very beginning, that Montgomery would be elected. His great desire, however, was to carry John Hamilton with him, and all arts were employed to get the voters to give him "their second voice".

On polling day "it was contended much in the fields", each party appearing with their candidate "mounted on men's shoulders". On one side were the Bagnalls, McGuinnesses, O'Neills, Trevors and Hills, and on the other the tenants of Hamilton and Montgomery, with the Savages, Fitzsymonds, and a large number of the tenants of Kildare and Cromwell. They acclaimed their candidates, but the Sheriff was unimpressed by the demonstration. He brought "all the swarms into one", and there examined each man, when it soon became apparent that many were voteless churls, "sham freeholders made to increase the number of choosers". Then he made "a reckoning of them", and Hamilton and Montgomery were returned in triumph.

From all this it was clear that the orthodox historical division of imaginary Celt and actual colonist did not exist to the extent that polemicists would have us believe. Agrarian, family, and commercial ties were the real test of the situation. The ancient Savages voted with the modern Hamiltons, and McGuinness and Trevor were at one in their antipathy to the other side. It was a matter of family and personal ties, and the victory lay with territorial influence. [1]

We are so accustomed in these days to the belief that Government by public meeting is the ideal form of Government that we are apt to forget, not only that this doctrine is only reverenced by a fraction of the globe, but that it is quite modern. To give this form of Government any chance of success a whole series of very rare circumstances must exist in full and together. Society must be very stable. Minorities must have a reverence for the dictates of the majority. Majorities must be very tender of the rights of a minority. Men must be at that stage of developement when they can listen to what they do not like, and refrain from saying what others do not like. All democratic theory depends on a profound respect for the law, and a great tolerance of others. Without these considerations these institutions are shortlived. They become either

1) M. M. pp. 305—308.

the weapons of tyrannical cabals, or collapse before the wrath of unscrupulous rebels. Vain is all pretence that Ireland, or even England, had reached that level at that period. The Long Parliament gave a ghastly exhibition of what a Parliament could do in an unparliamentary age. The Irish Parliaments reveal why the Tudors were regarded with awe, and the Stuarts with affection.

Elizabeth one time called a Parliament. It gave her statesmen as much trouble as a rebellion, and achieved as little. Hooker, the antiquarian, was brought specially over to guide the rude gentry from the hinterland, and explain to them the art of discussion and divisions. He was much pained at his poor reception. The Rural gentry objected to towns being allowed to send members into such an assemblage. These towns had, for reasons given, returned nominees of the Government, Englishmen, amongst whom was Hooker, who sat for Athenry "Instead of unity there began a division and for concord discord was received. The more words the more choler, and the more speeches the more broils". After a verbose battle had raged for three days—one day "even till two o'clock"—the Attorney-General gave his opinion that all these towns were entitled to representation, but that, if any election had been improper, it could be impeached. He was "denied". Upon the Speaker trying to propose a Bill "they rose up in a very disordered manner, and contrary to gravity and wisdom". The judges were then sent down to try and pacify the uproar with sound legal opinion, but they too were "denied". "Every Bill furthered by the English gentlemen was stopped and hindered by them, fearing that their captaincies should be taken away, and coign and livery abolished. They were so froward and unequal that it was more like the bear-baiting of disordered persons than a Parliament of grave and wise men". Hooker tried to calm them with a disquisition on how his Parliament used to behave, and quoted Pythagoras and Moses at them, but they "did digest it most unquietly, supposing themselves to be touched", and "for my safety, I was, by some of the best of them, conducted to the House of Sir Peter Carew".[1]

James' solitary Parliament broke all records. The elections were a series of miniature battles. In Dublin one side was shut out from the booths. The other carried its man, and imprisoned

1) Mountmorris. Hist. of the Irish Parliament pp. 73—80.

the Mayor "forbidding him to repair to the Deputy for succour". In Cavan Sir Oliver Lambert cracked the head of a hostile voter, who had not even his hat on at the moment, and, in Fermanagh, a Government candidate seized an enemy by the beard and all but tore it off. In at least a dozen constitutencies the practice of capturing or bribing the Sheriff was brought to a fine art, he holding a meeting of one side only in a back-room or a remote field, and declaring the favoured party elected, while the other side were seeking for him high and low.[1] When they assembled in Dublin some of the Peers, jostled each other in the state procession, on a point of precedence, the dignity of the proceedings being impaired by the Deputy having to "command" them to be quiet. The Deputy had decided to hold the Parliament in the Castle as the large number of retainers they had brought with them "caused us to doubt our safety", and "if the Parliament had been held in the town they would have all fallen to cutting of throats".[2] One hundred soldiers he stationed outside for obvious reasons. The Recusant Party immediately went in a body to him with the following plaint. "We cannot but observe and fear the conceit that may be taken of the assurance of our loyalty, when, in time of perfect peace, such numbers of armed men are appointed to attend the sitting. And the holding of the Parliament in the principal fort and castle of the Kingdom, and that in a part thereof, where the powder and munition lieth under, which will not only aggravate the former conceit of doubt and suspect, but also strike fear into the sitters by the late example of England, which they wish you to prevent".[3] Chichester indignantly drew their attention to their tumultuous retinues, informed them there was not an ounce of powder in the Castle, and retaliated unwisely, but effectively, that references to Guy Fawkes and his gunpowder plot came badly from Recusant Peers. The indignant Peers then withdrew, refused to attend Parliament, and confined their energies to hurling manifestoes from afar of an indignant and expostulatory character.

In the Commons, however, matters were more alarming, the battle raging as to whether or no the Government candidate, Sir John Davies, should be Speaker. "Having taken their places and

1) C. S. P. 1611—14 — 360—4. 2) C. S. P. 1613 — 355. 3) C. M. S. p. 265.

sitting quietly some time"—these long spells of meditative silence were a peculiarity of the English House also—one of the Privy Councillors, "after an expression of joy to behold an assembly of so many worthy knights and gentlemen" proposed Sir John Davies, "acclamation" resounding as he sat down. Sir James Gough, whom Carew describes as a "busy and forward" fellow, however stepped into the middle of House, "but being willed by the House, to go into his place and there deliver what he had to say", he commented on the constitution of the Parliament, and declared that before they elected a Speaker they should purge the House of those who had no right to be there. The Rural gentry in this Parliament had been reinforced by the older Cities, to which they had objected in the reign of Elizabeth, both being now very indignant at the new boroughs created by James. Indignant voices demanding who was his nominee, Gough named Sir John Everard, being eloquently supported by W. Talbot, whom the State Papers refer to as "their chief oracle for law", one who uttered the sinister comment "that the House was no House".[1] Oliver St. John, then proposed that the Davies' Party go into the next room and number themselves, and the Everard Party remain behind and number themselves, the latter party being asked to appoint two tellers over the former, which they refused with jeers. Two of the Davies Party, who remained behind to tell the Everard Party then essayed their task, but the Everards were determined to have no counting of heads. Some rushed backwards and forwards across the room. Others menaced the tellers. Others formed themselves "into a plumpe to the end they might not be numbered". The indignant tellers then went into the next room to acquaint their colleagues of this misconduct. While inside they became aware of considerable enthusiasm being manifested in the Chamber. They could hear cheers, and stamping, and huzzas, voices crying "An Everard" in triumphant tones by no means befitting a minority. Rushing back into the Chamber they were confronted by the spectacle of Sir John Everard seated in the Chair. A Recusant then stepped forward and acquainted them with the fact that "the House had unanimously elected Sir John Everard", and requested them to take their seats and not interrupt the Speaker. This was more

1) C. M. S. p. 276.

flesh and blood could stand, especially as the Government party had a majority of 31. As Carew put it "many words of heat passed". St. John strode up to the chair, and said "if you dont come out we'll pluck you out". Everard defied him, and his supporters roared encouragement, the whole House being now in a state of uproar. Two eminent Privy Councillors, whom the official account is careful to describe as "gentlemen of the best quality", seized Sir John Davies "by the arms and lifted him from the ground and placed him upon Sir John Everard's lap". They then added insult to injury by adjuring the squashed and squeezed Everard "to come out or we'll pluck you out". Sir Daniel Bryan, Sir William and Sir Thomas Burke rushed to the chair, held Sir John Everard in his place—though Sir John Davies was performing that duty admirably—and "violently resisted" the "pluckers out". The Government party however, carried the day. Seizing Everard they dragged him from under Sir John Davies, and thus left "their man" high and dry in full possession. The official account emphasises the fact that they did this "gently and quietly", which he who wishes may believe.

Constitutional development in Ireland progressed along unique stages, the like of which was never seen in any other country before or since. The Magna Charta of the subject's liberties was a measure which, in the eighteenth century, was regarded as a weapon of tyranny, and was overthrown by an appeal to armed force, led by Earls, Marquises, Barons and Bishops, and accompanied by strong and minatory language, before which a much embarrassed Government wisely retired. "At a Parliament" said Strafford to the House of Lords once "holden at Drogheda on Monday next after the feast of St. Andrews the Apostle, in the year of the reign of King Henry VII. before Sir Edward Poynings, Knt. then Lord Deputy of this Realm of Ireland, an Act was made for and concerning the Order, manner, and form of Parliaments to be holden and kept in this Realm of Ireland, whereby it was ordained and established that no Parliament should be holden thereafter in the said land, but at such seasons as the King's Lieutenant and Council here should first certify the King, under the great seal of this land, the causes and considerations of all such Acts, then seemeth should pass in the said Parliament, and such causes, considerations, and acts affirmed by the King and

his Council to be good and expedient for this land".[1] The gist of the measure was that the Deputy's and then the Royal assent was a requisite preliminary to the introduction of a measure. The Act itself begins "at the request of the Commons of the land of Ireland", which reveals from that rank it emanated.[2]

Up to that time the Deputy gave the Royal Assent on his own initiative without consulting London. One can easily imagine what occured. A Deputy, backed by some powerful faction in Ireland, could do what he pleased with the Kingdom, as far as Parliaments were concerned. During the Wars of the Roses and the ten previous years, when Richard of York was Viceroy, woe betide those who were not of the Yorkist Party! The effect of this Act was to enable a preliminary appeal to the King before the Dublin Executive and their friends could work their will, and what was more to a King very much aloof from the terrible and internal discords of Ireland. Many years later when the Irish Lords were appealing to the King to have this Act modified they gave the following account of its genesis. "The sole scope of Poynings Act is that his Majesty and the Council of England be acquainted with the contents of such statutes as shall pass in Ireland, thereby to prevent the sinister practice of former Governors there, who procured several Bills to be passed there for laws, without the privity of the King, which were pernicious and prejudicial to that Crown and people".[3] Their proposal was—and it is significant in itself—that suggestions made by Parliament, need not gain the preliminary assent of the Deputy, but should go direct to England, to the King and Council there for their preliminary assent.[4] All during this period the national tendency was to regard the Royal Prerogative in England as the fountain of justice, as "the Protector of the poor" against Deputies, great Lords, and numerous factions. A sympton of this attitude of mind is the demand of the Recusant Party in James' reign that the Parliament should be held in London and not in Dublin.[5] "That statute", wrote the Council in 1613, "was at first enacted, out of the singular affiance which that people had in the state of England, that nothing would there be suffered to be propounded to

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1) L. S. I—290. 2) Act 10 Henry VII C. 4. 3) C. S. P. 1641—286.
4) C. S. P. 1641—321. 5) C. M. S. p. 280.

them, which should not be first maturely digested, as also out of a jealously that factions and partialities among themselves might often times so prefer Bills that they thought the House might be surprized, and pass them with the strength of one party to the prejudice of some other, to the hurt of the public". [1]

It was suspended twice in the reign of Henry VIII. to facilitate rapid legislation, but so suspicious were men of any tampering with this ark of the constitutional covenant by scratch majorities in a thin House that, in 1569, an act was passed forbidding any suspension till the English Council had first been consulted, and not even then, unless both Irish Houses had petitioned, and what was more petitioned by a clear majority of the total strength, not only of the members present, but of the members on the roll. [2] In Elizabeth's reign, when Sir John Perrott was Deputy, an effort was made by the authorities to induce the House to suspend the law. They would however have nought to say to it. In their eyes the preliminary consent of the Queen was their great protection against the authorities, and whatever gathering of factions they had mobilized. Archbishop Loftus subsequently complained to the Queen that her Deputy had lowered himself and her authority by bargaining with "ill disposed" persons to secure the suspension of their Bill of Rights. He himself was under a cloud at the time, as Perrott had accused him of betraying the Queen's service by encouraging the native gentry to vote against the suspension. [3] It should be remembered that Parliaments were never regarded in Ireland as machines for liberty. Interests opposed to the Dublin Executive disliked them, as there was no knowing when the Deputy would not whip up the burgesses members and pass an act against coign and livery, or one enforcing leases, or protecting sheriffs, on making riot a penal offence, which, it never was, till Strafford became Viceroy. Accordingly, when the country gentry secured the Graces from Charles I., many of them were quite content to have them established by an Act of State instead of by an Act of Parliament. The Roman Catholic Party, which was generally the nucleus round which discont in many cases rallied, were strongly opposed to a Parliament. [4] In 1613 one of the charges a Government official made against the Recusant Leaders

1) C. S. P. 1613—338. 2) Act 28 Henry VIII, Cap 4. 3) C. S. P. 1585—565, 575, 21; 1590—365. 4) C. S. P. 1630—590; 1634—51.

was that "nothing was so distasteful to them as a Parliament".[1] At a later stage when the Deputy's authority was weakened, and control of Parliament was fast passing into the hands of the Lords, gentry, and borough controllers Parliaments became the great desideratum, and Poynings Law the anathema of the Roman Catholic Party, the Protestant party adopting a contrary attitude. In the eighteenth century these attitudes were reversed, Irish political conditions having changed.

The effect of Poynings Law was to vest the initiative of legislation in the hands of the Government. Startling as this may appear, it should be remembered that modern Parliamentary development has resulted in exactly a similar state of affairs, and at no time, since the Restoration, has the English Government ever parted with the initiative in finance in the English Parliament. An Act in Queen Mary's reign enabled the Deputy to draft, recommend, and send over for approval measures other than those for which the Parliament had originally been summoned. This enabled the Deputy to consult the House and accede to its wishes.[2] In James' Parliament however an innovation was made. The Commons propounded "the following Acts which they humbly offered as meet to be transmitted".[3] In Strafford's first Parliament this had been altered into the right to draft the heads of a Bill, and the House of Lords ordered the Attorney General to put those heads into legal form, ready for transmission. To make doubly sure both Houses passed an ordnance that the Parliament should not terminate, when the Royal assent was given to the measures already passed, as was the custom by the standing orders.[4] To this, however, Strafford demurred, and inserted a protestation in the Journals of the House of Lords that "their Lordships have power only by remonstrance or petition to represent to the Lord Deputy and Council such public considerations as they think fit while the framing or drawing up of Acts belongs to us the Lord Deputy and Council".[5] To this the House of Lords unanimously agreed "acknowledging it to be both according to the Law and their meaning".[6] Nevertheless in this Parliament the dispensing power was used to suspent the Act indirectly. Charles, by a letter

1) C. S. M. p. 280. 2) Act 3 & 4 Philip and Mary Cap 104. 3) H. C. J. 1—47. 4) Mountmorris Hist. of Irish Parliament I—319; T. C. D. F. I. 5 p. 23. 5) L. S. I—291, 292. 6) L. S. I—279; T. C. D. F. I. 5 p. 25.

empowered the House of Lords to impose taxation on English peers with Irish titles, despite the absence of such a clause in the subsidy Bill to which he had assented, and this fresh subsidy Bill was to be "as good and effective as if the Bill had been before transmitted hither".[1]

Parliament at this stage was accordingly in the same condition as the English Parliament in the reign of Henry VII. It could refuse a subsidy. It could suggest a measure, or reject it, and this latter power it exercised frequently. In Perrott's Parliament the House of Lords "dashed" all the Government measures except two, as nearly all these Bills dealt with the abolition of coign and livery, or with penal statutes against riot. Strafford also was defeated in his first Parliament. For all intents and purposes however Parliament was a minor part of the constitution. The centre of political power was divided between the Deputy and the King, both in turn influenced by the Councils and the greater peers, who had always to be placated.

In the reigns of James and Charles the activities of both Houses seem to have been directed more towards their privileges and rights than towards legislation. The Lords and the Commons were frequently at loggerheads over minute points of ceremony. Both Houses revelled in committing outsiders for contempt. The House of Lords attached no less than three sheriffs in one month for collecting on a Peer's land the salary of a local member, and they and the Commons were both adamant on the point that neither members nor their servants were liable for debt during a session.[2] Sometimes outsiders were committed for contempt. An unfortunate man who told Mr. Power that "he cared nothing for him and his Parliament" was baited at great length, while a more contumacious offender who had insulted a member in Fishamble Street was escorted thither and wipped.[3] Strafford however kept the Parliament so busy with the mass of legislation he laid before it, that it had little time for these ebullitions, but on his downfall these privileges became a terrible pest. From 1641 on till its dissolution that Parliament converted itself into a mixture of judge, jury, and prosecutor for every conceivable offence and casual remark, and the citizens of Dublin must have been greatly relieved when they saw the last of it.

1) T. C. D. F. I. 5 p. 15. 2) H. C. J. I—26. 3) H. C. J. I—63.

The standard of eloquence must have been fairly high, as the few extracts still surviving show amongst some members a pungency and rotundity of expression, occasionally helped out by a sonorous Latin quotation. Strafford's inaugural speech is still on record.[1] The House of Lords desired to enter it in their journals but he had "only brief notes and not reduced his speech to writing and therefore desired to be excused".[2] Sergeant Eustace's oration on being nominated Speaker in the second Parliament appears in the journals. The following is an extract from his typically Hibernian panegyric on the Strafford regime. "Tell me now whether your Irish harp doth not tune melodiously and is not famous all over the world. It was wont to be a sad instrument, warbling out nothing but mournful lamentations for the dead and slain, and this was when we sat by waters of Babylon, but it is now set into a more cheerful note, and every string therein, from the highest to the lowest, is brought to such order as to make a perfect harmony. Order, I say, for the goodness of everything doth consist in order".[3]

The Speaker in the Irish House of Commons was the nominee of the Crown, his election by the House being purely nominal, as the Deputy had the right of veto.[4] He always begged the Deputy and the House twice to spare him the honour "as a person not fit", and, after the second refusal, gave his inaugural address. This ceremony had a deplorable effect when Sir John Davies was elected, as, when he began to dilate on his "unfitness" for the office, the followers, of the defeated Sir John Everard lifted up their voices in ribald applause, told him that he had never spoken a truer word, and generally marred the dignity of the proceedings. The post was purely honorary. In Sergeant Catelin's case—Straffords first Speaker—£ 600 was awarded him as compensation for the loss of his practice, and because "he served the King keeping a constant table" at which jaded members refreshed themselves.[5]

In James' Parliament some of the speeches were inserted in the journals, chiefly those of Sir John Everard, who seems to have dominated the proceedings.

"Sir John Everard endeavoured to wipe away an imputation

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1) L. S. I—286, 290. 2) T. C. D. F. I. 5 p. 12. 3) H. C. J. I—136.
4) T. C. D. F. I 5 p. 5. 5) C. S. P. 1635—99.

laid by the gentlemen that first spoke, wherein it was supposed that the English suppressed the stirs, and therefore might make the laws.

Sir Oliver St. John. Chronicles of blood showed the glory of their progenitors. The Queen's army was full of natives and they lost their first blood. He that gave the occasion should expound himself.

Mr. Farnham expounded himself." [1]

This style of eloquence sometimes degenerated into bathos, as for instance, when Sir John Everard was proposing that the House should wear gowns, he ended "alledging for example Julius Caesar and Sir John Norreys". [2] A more cryptic kind of entry runs as follows "Mr. Lutterrell to the Bill. Humanum est errare. Leges adaptandae and in minimis omnia antiqua observata. In little things, how much more in this? Sir Christopher Nugent. (1) Life of Man. (2) Learning. (3) Ancient Laws". [3] After 1634 however the Journals no longer summarise the speeches. Those of the House of Lords continue the practice, but not so fully.

To summon this assembly was the only course open to Strafford to repair the shattered finances of the country. For years there had been a steady and growing deficit. In 1618 the Venetian Ambassador had declared that "to what is obtained from Ireland the King has to add a sum which is remitted from England". [4] The year before Strafford's appointment the Lords Justices had made the Revenue balance, but by a most dangerous economy. They had cashiered a regiment of Pierce Crosby's. [5] Every year the expenses were increasing. It is true mismanagement played its part. Nevertheless the functions of Government were increasing. The day was gone when a few Lords and a few captains administered the whole country. Now there were sheriffs, judges, customs' officials, and plantation inspectors, and a host of other functionaries, forced on the Government by stress of circumstances, and lastly there was the army. Formerly the Crown could hire native swordsmen on a six months' contract, whenever "the blast of war blew in its ears". Now it had to keep a standing Army of its own. Add to this that, save for the subsidy of James' Parlia-

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1) H. C. J. I—15. 2) H. C. J. I—18. 3) H. C. J. I—15. 4) Ven. 1618—387. 5) R. P. VIII—120.

ment, the Government had received no supplies for fifty years, and we are not surprized at a debt for £ 80.000. Some kind of a balance had been struck by contributions on the part of the gentry, which Strafford had induced them to renew till 1634. In that year however they ceased. There was now an annual deficit of £ 20.000 a year.[1]

A Parliament however was a risky undertaking. In England it had only served to set the heather alight by always discussing religion. It would be composed of the class on whom subsidies were levied. At the best of times it is ill work asking men to tax themselves. It would be composed of groups, each one with a demand of its own at the expense of the Country, which no Deputy could yield without creating further troubles. If the members for the Galway Lords, who wanted all Connaught vested in themselves for eternity, were to join with the Ulster Planters, who had forfeited their estates for evasion of covenants and sought fresh patents for lands, which, in many cases, their old patents did not cover, and both of these were to be reinforced by corn exporters, who wished to denude the country of corn to capture high prices in England, all three could blackmail the embarrassed Government into disastrous concessions. If these in turn were refused all might combine to start a religious debate and set all the Irish heather alight. Add to this that the Deputy was not a persona grata with some of the officials—strong Deputies never were—and there was an element in the House capable of "embroiling the debate". The Earl of Cork alone controlled eight votes, and could no doubt influence more. Well might Charles write. "Take care of the Parliament. Content it so far as it be not to my prejudice . . . . . Take good heed of that hydra, dor you know that here I have found it as well cunning as malicious. I fear they have some ground to demand more than it is fit for me to give."[2] Charles had an instinctive dread of Parliaments. Strafford, however, had not. He regarded them rather in the light of necessary evils, with which humanity chose to afflict itself, fulfilling a useful function in their own way, if confined to the duty of passing good laws and amending those that were out of date. The unimaginative Charles one time wrote the following essay on their nature. "They are of the nature

1) L. S. I—183. 2) L. S. I—233.

of cats. They ever grow cursed with age. If you will have good of them put them off handsomely when they come of age, for the young ones are ever most tractable." [1] In this censorious view it must be conceded there is much truth.

The promise of a Parliament had been made to the Council to induce them to agree to a year's contribution. A variety of motives impelled them to jump at this bargain. Some were anxious to get statutory concessions. All were afraid lest the constant renewing of contributions by appeals over their heads to the minor gentry might result in the contribution being made a perpetual charge. As Strafford had stopped the practice of members of the Council exempting themselves from the contributions. "It was strange to see how instantly they gave consent to this proposition."[2] After due cogitation he decided to hold the Parliament immediately, so that, if it was a failure, he would still have a year's supplies in hand, and a year to consider other methods of raising the wind. The Council at first opposed this rapidity of execution, but gave way after some argument. [3] His second line of strategy was to have two sessions. In the first he would propose the subsidies and one or two Acts which would make them the more willing to vote the supplies. The second session would be devoted to sweeping and popular reforms. A Committee of both Houses was to be impannelled in that second session to suggest and model such statutes. If the supplies were not voted, the second session would not be held. The financial proposals were to consist of three subsidies of £ 30.000 each, and a continuance of the contribution of £ 20.000 for four years, making a total of £ 170.000. The House was to be given a free hand to overhaul the pension list and the arrears. This was calculated to make a large hole in the Debt and balance the Revenue for some time. The proxies of absentee Peers were to be vested in him, and, if anything, they were to be discouraged from coming over. This excellent suggestion was all the more necessary, when we remember that many of these Peers "had their dependance" on the rising English Parliamentarians, which, coupled with their ignorance of Ireland, would have made them a nuisance. These Peers had been made in the previous reign "to do them honour, being Lords of Parliament in the other Kingdoms

1) L. S. I—365. 2) L. S. I—99. 3) L. S. I—237.

and not to strenghten the House in voices, for they were not enjoined to appear, nor are they come over".[1] The right to sit, however, was theirs by law, and Strafford solved the anomaly by capturing as many of their proxies as he could. The resident Irish Peers, if sickness or other causes detained them, handed their proxies to whom they wished. They always asked permission of the House, but there is no case of such permission being refused.[2] When Parliament assembled 31 absentee peers and 16 resident peers were absent out of a total house of 123, a few of whom were minors, and only called, honoris causa.[3] The total number of proxies which the House agreed should be vested in the hands of six peers, friendly to the Government, was exactly 32.[4]

In the lower House his intention was not to rely on either of the two parties, if by any chance a religious division arose, "for they will thus prove easier to govern, than if either party were absolute". This was a very necessary precaution. The danger always was that one of the hungry interests would raise the religious question and form an invincible bloc in the House. The Connaught Lords, for instance, might demand the repeal of the defunct Recusancy laws, mobilize a large number of honest and inflammable city burgesses, who cared not a jot about the Connaught tenures, and refuse to disband till Strafford had agreed that they alone in Ireland were to be exempt from feudal dues and free from all inquiry as to how much of their acreage was really their own. On the other hand if the Protestants predominated a Protestant bloc could be formed by Ulster Planters, anxious to escape their Plantation covenants. All they had to do was to draw the attention of the House to the fact that, contrary to a multitude of proclamations, there were sixteen Roman Catholic chapels in Dublin.[5] Cross voting, of course, there would be, but, if the two parties were evenly balanced, a dozen or so Crown members, accompanied by the cross-voters would hold the balance of power, and render all such well-known political endeavours null and void. Furthermore by pointing out to the Roman Catholics that, if they embarrassed the Government, it would have no option but to yield to the Protestant demand for the Recusancy fines, and by regretfully informing the Protes-

1) C. M. S. p. 266. 2) T. C. D. F. I. 5. 3) L. S. I—282—5.
4) T. C. D. F. I. 6. 5) Cowper M. S. S. I—362.

tants that their hostile attitude to subsidies would compell the Government to side with the Roman Catholics, who would always tender a contribution, Strafford hoped to carry the day. [1]

It should however be remembered that as yet there were not two distinct religions in the Country. Ireland was, in many districts, still at the transition stage of reformation and counter reformation, and nothing is more remarkable than the vacillations of prominent men and clergymen, and the cross voting in the medly of politics, religion, economic, family, and local ties. The very fact that what Strafford called "the Recusant party" in the House of Commons was led by a nephew of the Bishop of Ardfert, a scion of a House always associated with the established Church, shows that these religious cries were but mere formulas to unite blocs of votes or combinations of interests. [2]

The difficulty however was to procure this little bloc of "well disposed" votes. The tendency of some of the boroughs to give one of their seats to a Crown nominee came in useful on this occasion. Strafford says that he sent out 100 letters of recommendation, but the power of the Crown at this time was by no means so great as to secure such a number of returns in defiance of local opinion or local dominations. In all Munster there are only five returns of non-residents. In Leinster, if we except Dublin where it is difficult to trace the orgin and condition of members, only four had no local connections. Ulster returned nine strangers, and Connaught not one. [3] In nearly all these cases the return was secured by the consent of the local grandee, who gave one seat to the Government candidate. The Earl of Cork for instance got Bandon to return Sir George Wentworth along with one of the local Wisemans, and Philip Mainwarring, Strafford's Secretary, shared Cloakilty with the perennial Travers. In this case also, out of seven letters sent by Strafford to the boroughs, partly under the influence of the Earl of Cork, four were succesful, and in three cases the Crown nominee failed. [4]

In the House itself, on a strictly religious vote, the Protestant majority was eight. This was the first information Strafford ever received as to the composition of the House. When Government

1) L. S. I—186. 2) L. S. I—350. 3) C. S. P. 1634—63—67.
4) L. P. I. S. IV—30.

influence was brought to bear it rose to twenty eight. This was a test division, specially provoked by Strafford, to see where he stood if he threw in his lot with the Protestant Party. [1] On another occasion the Roman Catholic majority was ten. The Government whips were put on and it became a Protestant majority of sixteen.[2] In these circumstances it is obvious that there was no large bloc of votes solidly with the Government, especially as on one occasion it was routed horse, foot, and artillery. [3]

The very first requisite for any Parliamentary success, be it raising the necessary revenue or carrying a host of necessary measures, was that no one should know what was intended. The very Council itself was full of nominees of different parties each with some pet proposal, excellent for itself, and disastrous to the common weal. If once they got to hear what was intended, they would form their combines in advance, or scatter prejudicies in advance against this or that proposal .. "There is nothing", said Strafford, "like putting our wise men here past their wits, or, if you will, past their practices, like keeping them in the dark", and "I am sure the public suffers far less thus through private pretences, where upon this people are as entirely industrious and content, with as little aspect to the common good, as any other, I am persuaded in Christendom". [4] It was for this reason that he induced the King to appoint a small and secret Committee of the Privy Council to deal in camera with all the Irish despatches. On the eve of the Parliament a desperate effort was made to procure information. Lord Fingall was the intermediary. "He come purposely to me", said Strafford", "very gravely and in a kind of electorate way, told me their Lordships of the Pale had been accustomed to be consulted, to assemble and take advice together, what to propound for the good of the people", a well known Irish political phrase, used to cover a multitude of peculiarities. In this case "this advocate of the public" was not a persona grata with Strafford "being passing spare and penurious", desiring to "be esteemed more popular with the generality than either his carriage or his parts will be able to persuade with any man of judgement or of the common sort". In any case the day was gone by when these Lords of

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1) L. S. I — 277, 278. 2) L. S. I — 350, 351. 3) R. P. VIII — 184.
4) L. S. I — 195, 229.

the Pale held a Poynings Law of their own over the Parliament. The uproar they created in Chichester' Parliament began with the refusal of a demand that they "be made acquainted with the public acts to be transmitted to the King", which Chichester refusing, they went on the rampage. [1] Strafford bluntly told him that "His Majesty would reject with scorn and disdain all such foreign instructors and moderators betwixt him and his people, without borrowing from any private man whatever, and I advised his Lordship not to busy his thoughts with matters of this nature". [2] That Strafford was not wrong in describing him as "a malignant spirit" and "an ill disposed person", i. e. not favourable to the Deputy's person or proposals, is shown by the fact that he seriously proposed in the House of Lords to postpone the subsidies till a measure to his own liking was first passed, which proposal was scouted unanimously. [3]

The Council however had first to be influenced. It should be remembered that every member represented a large following in the country, and some especially Ormonde, Esmonde, Ranelagh, St. Leger, Parsons, Cork, and the two Loftus had between them control over something like twenty five or thirty Parliamentary seats, all save Parsons and Cork, belonging to county families, with innumerable ramifications. Strafford called them together and gave them instructions to draft a plan of campaign, and then left them "to discover how their pulses beat, wherein I conceived they would deliver themselves more freely than if I had been present amongst them". Radcliffe came out to tell him things were going badly. They were all veering towards the idea of "good inducements to content the Houses", and not ways and means as to how to raise the money. As usual with such men their idea of "creating a favourable atmosphere" by what weak men called "sound policy" was a gaol delivery, a general pardon for all who had intimidated juries, beaten tax collectors, defied judges, and taken to the woods, refusing to "come in and submit". Apart from the fact that such a proposal was a matter for the Royal initiative, being an act of Grace, it was, as Strafford said a very doubtful step to create an atmosphere by lavishing concessions "rather on the worst than on the best of subjects". What was worse was that they were fixing the subsidies at two of £ 30.000 each, and as the contributions were

1) C. M. S. p. 265, 266. 2) L. S. I—246. 3) T. C. D. F. I. 6.

£20.000, their fear lest "all surplusage should be sweeped away to England, to the impoverishing of this Kingdom" was inducing them to fix the payment of these subsidies at £10.000 every six months. By this they hoped to just balance the revenue and leave no surplus over for courtiers and projectors.

Strafford broke in upon them with a furious harangue upon their duty to the Common weal and the King, "thus consulting what might please the people in a Parliament, when it would better became a Privy Councillor to please the King and induce him to call one". As for the subsidies they were bound to make them far exceed the expenditure. There was the debt to be paid off. There were the necessary improvements that had to be made. There was always the danger of a rebellion or a war, and the best protection against both was to be prepared. "You must be content in time of peace to provide for yourselves in time of war, and in the acknowledgement of the mighty improvement in your estates from what they were at King James' accession, contribute with full hands to the necessities of the public, future as well as present. Look well about and be wise by others' harms. You are not ignorant of the misfortunes of England. Strike not your foot on the same rock of distrust. This is the spirit of the air that walked between King and people, abusing both, whereon if any one beam of light and truth had happily reflected, it had vanished like smoke".

This lengthy oration was a curious mixture of blarney, truculence, pleading, bargaining, appeals to every passion, fear and hope, delivered with those bursts of passion which sometimes made him ill for hours afterwards. Running through the discourse however there was one reiterated and dominant note, that, if they agreed to support the King, the Deputy would support them in every just and reasonable desire, that "the rock of distrust" which had so long lain between them and the absent Monarchy was a mere phantasm which he could conjure away. There was another offer slipped into the midst of the discourse, which he almost ordered the authorities in London to countersign, and that was that not a penny of the subsidies or the balance would be sent over to England, or used to pay any English charge, till every penny of the debt was paid off. "I will undertake His Majesty will give good assurance for that." Three years later when the debt was extinguished, he was found warning the Privy Council in London

to ask him for no money, till there was an Irish balance in hand of £ 20.000.[1]

The effect of this harangue was instantaneous. The Council withdrew all its preliminary demands. It agreed that an effort should be made to pay off the debt. It decided to leave the number and extent of the subsidies an open question." "Thus have we auspiciously gotten our first footing" wrote Strafford.[2]

As a preliminary concession he moved for a new Commission of Defective Titles. This was a reform long overdue, for which the Country was anxiously clamouring and for which the House petitioned when it met.[3] The popular demand for water-light titles was universal. Destruction of documents, defective escheats, official laxity, secret feoffments on the part of vendors, wars and expulsions had made many owners mere possessors in fact while "intruders" in law. This widespread insecurity had brought into being a tribe of most disreputable projectors—"beagles", Strafford used to call them—who lived on evicting men for quibbles. The Earl of Carlisle and the Earl of Arundel were both prevented at different times by Strafford from practising this rather unsavoury trade.[4] The aim of this Commission was to inquire into every estate, whose owner cared to apply, and in bona fide errors in law grant a new title, and in cases of "intrusion" compound with the owner. At the end of the first session the House of Lords petitioned Strafford "to bear with speed all such as desire to pass their lands under the Commission of Defective Titles", and in 1640 both Houses prefixed to the Act of Subsidy a resolution glorifying "the large and ample benefits which we have received and hope to receive by His Majesty's Commission of Grace for remedy of Defective Titles, procured hither by his Lordship".[5]

To this concession the authorities in London were opposed. They were seriously afraid lest the Commission might be utilized to "pass away" large tracts at little or no rent to men of influence, who had never set their estates in order, and never paid their feudal dues, under terms exempting them from such. As Strafford's intention was to pass an Act giving an absolute and Parliamentary title to all who compounded, they were afraid that, if this Commission was mishandled, they would be faced in a few

1) L. S. II—17. 2) L. S. I—238, 241. 3) L. S. I—310, 311. 4) L. S. I—92, II—29. 5) T. C. D. F. I. 6 C. S. P. 1625—1660 — 265.

years with the "final passing away" on ridiculous terms of large estates to undeserving persons. Strafford pledged his word that he would refer all debatable points to London, and take no steps without due consideration, but, if they wanted the subsidies, this concession must be made. "This will settle that point in a quiet and dead peace, hugely contenting and settling their minds on this side." So urgent was the matter that at one stage he had an open boat waiting at Holyhead for the warrant, so that, if the wind was contrary, and the mail packet could not sail, this would "tide it over which way soever the wind blow".[1] It is undeniable that, if this warrant had not arrived, the first Parliament would have been a failure. "There is nothing", said Strafford a few days before Parliament assembled, "that will so well incline them to give freely in Parliament". The Commission of Defective Titles and the Act giving a statutory title to its findings had very much the same effect on the rural electorate and the squirearchy as a Land Act had on the tenant farmers in the Nineteenth century. It assuaged that discontent, which shows itself usually in vague political passions. It gave what all agricultural owners ambition —security of tenure. It was also the Commission of Defective Titles that broke the caucus of the Connaught Landlords, who were using the grievance of the insecurity of estates to form a party, determined to vote for nothing, unless sixty years' possession was laid down as a good and bona fide title, a concession which would have involved the gravest injustices in many cases, and precluded a decision on the merits of each particular case. In the coming Parliament the country squire, frightened at the threats of a "beagle", anxious to settle his title once and for all, would not be found clamouring for the Statute of Limitations, as what he wanted was his by another and fairer method. The Council, assured of Strafford's bona-fides, convinced too, that, even in their own cases, an increase in taxation was nothing compared with the financial boon of security of tenure— met in a cheerful frame of mind. Those who before were haggling over two or three subsidies were unanimous in recommending six. Strafford got them to "put their hands" to such a proposal, and published it for all men to see, knowing well the moral effect of such advertisements

1) L. S. I—240, 245.

in Ireland. From the King he procured a letter of thanks to these generous souls, which, when they had read and digested they departed home in a pleased and self complacent frame of mind. [1]

The elections passed off peacefully on the whole. In Dublin the Sheriff exceeded his duties and reverted to some of the malpractices of James' time, but was hailed before the Council, fined, and dismissed. In Kilkenny "undue influence" on the part of the Priests was visible, but Strafford decided not to stir that hornets' nest till after Parliament was over. There was certainly nothing to be gained by prosecuting a Priest when the Roman Catholic party was "very forward for the King's supply, so as the matter of religion be not stirred against them". [2] To do so would leave him at the mercy of the Protestant Party, who were hostile, as the seeds of Parliamentarianism had been sprouting here and there in the Irish boroughs, and among the more wealthy planters. [3]

"The meeting was, I am persuaded, with the greatest civility and splendour Ireland ever saw." So Strafford begins one of his despatches. "The aspect of the nobility, clergy, and gentry, far above that which I expected, and all this accompanied by a singular cheerfulness towards his Majesty's affairs. The parties are in a manner equal, some few odds on the Protestant party, and one watching the other lest their fellow should rob them, and apply the whole grace of his Majesty's thanks to themselves from the other, an emulation well fomented underhanded." [4] The Protestant Party were aware that their traditional hold on the Executive was going, and were in terror lest Strafford might swing it over to the other side, and the Roman Catholic Party knew only too well that their one hope lay in supporting the Royalist against the Parliamentarian—Puritan party.

The records of the House of Lords show that Parliament was opened with great ceremony, processions, trumpeters, pikemen, swords of state, cloths of state, ushers et omne hoc genus, without which no Government can hope to impress the multitude, especially in Ireland where the theatrical sense is strongly developed. It is significant that the very day he received the Sword of State he 'inducted' an Ulster King at Arms, an official of great importance among the Irish Aristocracy, and regarded with awe by

1) L. S. I—259, 264. 2) L. S. I—267. 3) L. S. I—267, 270.
4) L. S. I.—274.

the mercantile and farming classes. The great vice-regal state that Strafford kept up, the rules and regulations he imposed on his clerks and ushers, were part of a deliberate policy, espoused by one who studied Ireland with great care, and had taken advice from some very old hands, whose names would have horrified the authorities in London, if they had even heard them whispered.

The first day was spent in "swearing in" all those Peers who had not sat in Chichester's Parliament, and as Strafford "judged it some disadvantage to speak to persons already toiled and weary", the House was adjourned till next morning. On that day the Deputy harangued them in a typically Straffordian speech. He was no mean orator, being regarded as "the bellweather of the flock", in an English Parliament which contained men like Finch, Coke, Pym and Elliott. Radcliffe has put it on record that he had regularly trained himself to the art of public speaking by the voluminous reading of orators in three languages, and by a constant attendance at the Courts to study the little tricks of the men of words." I learned one rule of him. When he met a well penned oration or tract upon any subject or question, he formed a speech upon the same argument, before he read the book. Then reading the book, compare his own with the author and notice his own defects, and the author's art and fulness."[1] In his despatch to the Council he relates that he "discoursed in the mildest manner I could, not departing from the dignity of the person I had the Honour to represent". To Laud however he confided "I spoke it not betwixt my teeth, but so loud and heartily that I protest unto you I was faint withal at the present, and the worst for it two or three days after. It makes no matter, for this way I was assured they should have sound at least, with however weight soever it should be attended, and the success was answerable, for had it been low and mildly delivered, I might perchance have got from them, "it was pretty well", where as this way, filling one of their senses with noise, and amusing the rest with earnestness and vehemence they swear,—yet God forgive them they know not what they say—it was the best spoken they had ever heard in their lives. Let Cottingdon crack me that nut now."[2]

This last sentence refers to one of Cottingdon's quips. In the course of one of Strafford's despatches to the English Council

1) L. S. II—435. 2) L. S. I—273.

a passage was read out dilating on the warnings he had given to all and sundry that there were to be no caucus meetings owing to "the misfortunes these meetings had run in England of late years". As the clerk read the words, Cottingdon, who remembered Strafford in opposition, gently murmured "quorum pars magna fui".[1] A few days later Cottingdon was entertaining all and sundry with ribald comments on Strafford's Parliament speech "He says you bring in Juppiter and Apollo, and he is merry and said you might as well have spoken to the Irish Lords in heathen Greek."[2] That Strafford never sent Cottingdon a copy of this speech is certain.[3] "I think", said Laud, "he got someone or other in the House by brachyography to take your speech, or some notes of it".[4] This is probably the first reference on record to Shorthand in Irish politics. Cottingdon, then Chancellor of the Exchequer, was one of Strafford's firmest supporters, chiefly because they were both enthusiasts on a Spanish Alliance. He had the reputation of having the most solemn face and the most entertaining tongue of any statesman of the period. Strafford intended that he should succeed him in Ireland, but 1641 was no year for the promotion of Roman Catholics, and Cottingdon wisely went into temporary retirement. He had one great qualification for the Deputy's throne and that was a keen sense of the ridiculous. He had however one serious defect. He was too fond of being all things to all men with a touch of slyness in his composition. Such men fare ill in high places in Ireland, where bluff and noisy men—good haters and firm allies—succeed better.

The general tenour of Strafford's discourse was that money was required for the common weal. If the House voted this money it would be spent in the Kingdom, and the next Session would be devoted to "the people". "If you proceed with respect without laying clogs and conditions on the King you shall infallibly set up a Parliament, eminent to posterity, as the very basis and foundation of the greatest happiness and prosperity that ever befell this nation. But if you meet a great King with narrow circumscribed hearts, your sons shall wish they had been the children of more believing parents, and, when it will be too late for you to help, the sad

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1) L. S. I—255. 2) L. L. VII—85. 3) L. S. I—294. 4) L. L. VI—398.

repentance of an unadvised breach shall be yours, lasting honour shall be my masters."[1]

When this oration was over he instructed the Lord Chancellor to say a few words to the Commons. The gist of them was that they were "not to vary or contend but in love with one another, who should be most courteous one to another, for ye Lord Deputy hath heard such things of former Parliaments", that terrible scene when they "formed themselves in clumps" being still fresh in men's minds.[2] They were to go away and chose a speaker, or rather ratify the Deputy's choice, because he had a right of veto.[3] This warning was given because Strafford had heard there was "a muttering" against his choice. His choice was very curious. It was Sergeant Catelin, Recorder of the Dublin Corporation. His election for the City had been stormy. Strafford wrote to the Council detailing the incident and recording with approval the election of "Sergeant Catelin, the King's sergeant and Recorder of this town, and Alderman Barry, a Protestant".[4] This sounded very respectable to the authorities in London, but any one who knew the ins and outs of Dublin politics would have been startled at such a choice of a Speaker, even though he was the colleague of "Alderman Barry a Protestant". Some years before the Corporation had declined to admit the garrison into Dublin. At the same time the Lords Justices had raided a monastery, and it was said they, had done so to cause a riot, and thus prove to all and sundry how necessary a garrison was in Dublin.[5] Lord Wilmot, the Commander-in-chief seems to have been "the masked figure behind the throne". The riot certainly developed and the Archbishop of Dublin was rolled in the mud by the great unwashed. The monastery was temporarily closed, but the Dublin Corporation went on the warpath and their Recorder expressed himself forcibly. Wilmot the G. O. C. immediately raised the point that the King's Sergeant should not side with the seditious, and procured a signet letter authorising "the removal of the man Catelin from our Council as a ringleader".[6] Lord Loftus had his knife into Catelin from of yore. He was Falkland's nominee and Falkland's adviser in the O'Byrne case. Falkland wrote over from London demanding "fair-

1) L. S. I—286, 290. 2) T. C. D. F. I. 6. 3) T. C. D. F. I. 5. p. 5.
4) L. S. I—270. 5) Franciscan M. S. S. p. 18. 6) C. S. P. 1630 - 504.

play for Catelin", accusing Wilmot of "violent injustice" and Loftus of "serpentine subtlety". The Lords Justices sent for Catelin and asked him not to appear at the Council Board for a few days, as they were "afraid to offend" Lord Wilmot, and Catelin's absence would pacify the General. Catelin stoutly refused and in the end was sequestered.[1] This was Strafford's choice of a Speaker. He was a persona grata with the Dublin Corporation —the majority of whom were Recusants—with the friars, with the Dublin citizens, was possibly a Recusant himself—if he had not been so Strafford would have said so when he mentioned the religion of his colleague—and what is more, was at that moment enjoying the halo of martyrdom, having lost his seat on the Council for defying the Powers that be. This appointment explains Strafford's certainty that the Recusants would vote for the subsidies. It also gives a clue from what corner those "murmurs" proceeded, which Strafford nipped in the bud.

Suffice it to say that the House elected Catelin, and "presented" him to the Deputy, to whom he twice begged to be excused and then burst out into eloquence and "discharged himself as handsomely as ever I heard any".[2]

The House of Lords subsequently asked Catelin to give them a copy of his speech. Catelin was unable to accede "being very early gone to bed last night, the speech was long, and of his own handwriting, which his man could not write out so suddenly". When the Commons got to hear of this, they all appeared at the Bar, with Radcliffe at their head, in a very minatory mood, and requested to know "if the Lords demanded it as right", whereupon the Lords repudiated all desire for the speech, and it has been lost in the mists of antiquity.[3]

Next day the House met. The Recusant members of course, made the traditional onslaught on the Borough members, and demanded that those who did not live in the Boroughs be disqualified. On a strictly religious division they were beaten by eight votes. Strafford for the first time knew the strength of the parties. If he had to rely alone on the Recusants he would be defeated. If the official members from the Boroughs were added to the Recusants, he would have a majority of about 20. The real

1) C. S. P. 1630—423—6, 500, 504, 519. 2) L. S. I—277. 3) T. C. D. F. I. 6.

danger was how many votes the Recusants would lose, if the Connaught landlords, nearly all Recusants, ordered their members to vote with the "murmuring" Protestants.

A Council meeting was immediately summoned. This was a full Meeting of the Council, certain of the rural members who were seldom in Dublin, appearing for the first time. Strafford suddenly became aware that powerful personages were anxious to have the motion for the subsidies delayed as long as possible, "a design to gain time, to frame parties, and so grow into full understanding among themselves". One was Parsons, who was always, under the rose, hostile to all Strafford's policy. He believed that in the end this practice of relying on up country parties, on men whose ancestors had been in rebellion, would end in disaster, and that the only sound policy was, through thick and thin, to stand by the Planter class, who, despite little bursts of independence, had to be loyal to the Crown, their sole protection against the more fiery of the chieftains. The second was Lord Ranelagh, President of Connaught. He had estates and interests in Connaught, and he knew only too well that Strafford intended to examine all the titles and remodel all the tenures in that Province. Strafford had caught a whisper that "he held straight intelligence with some leading men among the Commons", Recusant gentry from Galway and Mayo. If he and Parsons were given a few days to pay midnight visits there would be no Government Party in the House. The third desertion was the most serious of all, Sir Wm. St. Leger, the President of Munster, at that time one of the most respected men in Ireland. He came of a family which had a universal reputation for physical courage and abstinence from the less savoury side of Irish politics. When the rebellion broke out he was the only member of the Executive, who displayed discretion and courage, and, if he had been at the head of affairs, that rebellion would never have been allowed to develope. Once Endymion Porter, probably the worst of the Court projectors—suggested to him that they should form an alliance, and tour the country, looking out for flaws in honest men's titles, and confiscating their estates. The following was his reply. "Noble Don, I will hope you are in as good a fooling vein as you were when you wrote your last to me. It is time you left the fooling. I will not obey your unjust commands in turning men out of their

ancient possessions on mere suspicions. Leave your villainy in time before your friends are compelled to deny you or perish with you." [1] It is more than probable that his hostility was due to a traditional distrust of the policy of voting any large sum of money to the Dublin Government. Five years before he had "insisted on the inadvisability of collecting money and sending it to the Exchequer", and this, despite the fact that the money was for the Army, of which he was a strong supporter. [2] His adhesion to the opposition was a very serious matter, as his opinion carried great weight in Munster.

With three such influential men openly hostile, and a large body waiting to see "which way the cat would jump", Strafford had to bestir himself. He bluntly told the Council he intended to put the matter to the vote in the morning. Ranelagh replied, that this being so he would enter no further protest, but would obey. Strafford seeing that it was the intention of Ranelagh and his friends to wash their hands of the whole affair, give him no assistance, and then, when the subsidies were defeated, send a report across to England laying the blame on him, because he did not follow their advice, immediately gave the whole Council an order in the King's name to appear in the House next morning, and speak in favour of the subsidies. With a hint that the failure of the motion might, in the end, be better for the King, who had other and more profitable ways of raising money than by subsidies, he dismissed the Council, some of whom were only too painfully aware that the titles to their estates would not bear scrutiny.

The strategy was to engineer a test division on a minor point. If the Government won, the question of supplies was to be raised. If the Government were defeated, it was to be postponed. At nine next morning Wandesforde proposed to adjourn the question of Boroughs. The Recusants opposed it and were defeated by 28 votes. Immediately he moved the supplies. The Recusants gave him every support. The Protestant party, confused and taken by surprize offered no opposition. By twelve o'clock the subsidies were carried unanimously. All was now over and the rest of the Session was spent in trivial matters. [3]

As soon as he could, Strafford summoned the Judges of Assize

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1) C. S. P. 1627—294. 2) C. S. P. 1629—462. 3) L. S. I—276—279.

and ordered them to declare in every Assize town those Acts of State the new Government were now making good. The Commission of Defective Titles had been appointed. The Act legalizing its findings was on the Statute Book. All further appeals for contributions would cease. No embargo was to be laid on any exportation of any article, save corn, and that only when it was above a certain price agreed on by Parliament, and timber, which the Deputy would regulate himself by licence. The threatened monopoly of tallow he would recommend the King to forbid, which was done. No Roman Catholic was to be questioned, or charged, or penalized by a fee for any marriage or christening conducted by a Roman Catholic priest. A Commission was to be appointed to regulate and fix all fees of all officials, lay, ecclesiastical, and legal. Lastly not a penny of the subsidies was to go across the water, or be used to pay any charge or debt not incurred in Ireland, the fulfilment of which pledge caused Strafford many an anxious moment. [1]

This list of concessions gives a clue as to what means and methods were employed to assure a majority in the Houses, and what hopes animated those who voted for the subsidies. Nor could anyone of these concessions be regarded as improper. No, "particular end" was bribed "at the expence of the common good". What was more each one was amply fulfilled in letter and spirit. Whether deliberate negotiations were made with each interest preparatory to the vote is doubtful. That Strafford never committed himself to a pledge but simply threw out hints that "justice would be done" to those with a legitimate request, is shown by a letter from Roche, the Roman Catholic Bishop of Ferns, who would have been the first to know if any detailed promise was given. This shows that it was rather a general anticipation of relief that swayed the mass of the voters. "We are in hopes to obtain several Graces, which have often been asked for and also promised, but hitherto without effect. There are several Graces abolishing the exactions, which are made in Protestant Episcopal Courts for baptisms, marriages, and burials, at which Catholic Priests may have ministered. Even though we should not obtain more than a part of the desired Graces, the gift will not have been made in vain". [2]

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1) L. S. I—276—293. 2) S. O. I—199.

The House of Lords was not such an exciting affair, though there were efforts made to insist on conditions before the subsidies were passed. Pending action by the Commons, the House amused itself, partly by passing standing orders, partly by vague suggestions as to "what was good for the country". The Bishops were very enthusiastic for an Act "against profanation of the Sabbath", and also against elopements. All the House was anxious that peers should regain their old privileges of freedom from liquor duties, the Bishop of Derry remarking that "Bishops also used wine". Archbishop Usher however was opposed to the privilege, because noble Lords used to purchase large quantities of alcohol free of duty, and then sell it to Commoners at a profit. Lord Fingall, "the passing spare and penurious" peer, apologized for raising the subject everyday, but pleaded the noble precedent of Calais, whose loss "was published every day to put people in mind of it, and so is this mentioned daily". The iron hearted Strafford however was adamant, and in the end only accorded the privilege to the limited value of £ 375 per annum.[1] A great effort however was made to induce the House to insist on the enactment of the Statute of Limitations before passing the subsidies. Fingal, Westmeath, and two members of the Council, Mountmorris and Ranelagh, were eloquent on this theme, but they got little support. Ushers' remark that, if the Commons could pass subsidies "without conditions", the Lords should do likewise, seemed to carry the House, which, in the end, "assented with one voice".

The session ended with a grand finale before the Cloth of State, Strafford surrounded by bespangled officers and officials, youthful peers, grouped in the background, "On ye right hand and on ye left to the end that they might observe how to behave against their full age", all the peers and Bishops in their robes, and the Commoners grouped at the Bar, Catelin very eloquent, acquitting himself well in terms which this time were recorded in the Journals of the Peers. "We may rightly compare this to the widows' mite, claiming not thanks save in the manner of the offering. Sewers of waters never opened their streams more fully than we have opened our purses. It is not six subsidies but sixty millions of hearts His Majesty hath had offered to him. His Majesty hath gloriously

1) L. S. I—317.

triumphed as if he hath conquered worlds". Then came an oration of thanks from the Deputy, an order to the Sergeant of Arms and his minions to "have a care of the House" during the recess, the Royal Assent to the Subsidy Bill and the Confirmation of Defective Titles, and all wended their way home. Strafford heaved a sigh of relief when he saw the last of them. To have got thus far was no mean achievement. There had been only two broils. One Gentleman had drawn his sword on another in Dame Street. Another overhearing a remark "in heat and passion" on the benches behind him, had said "'twas saucily said", the other replying "you lie", but both incidents had ended amicably. Then he retired into his private apartments and wrote a boisterous letter to London, cracking up his achievement, and gloriously triumphing over those who had prophesied failure. At the art of blowing his own trumpet and scoffing at his enemies this strange Deputy was a pastmaster. [1]

1) T. C. D. F. I. 5 p. p. 1—45. T. C. D. F. I. 6; H. C. J. I—68, 76.

CHAPTER II

LEGISLATION

> The true law giver ought to have a heart full of sensibility. I have never yet seen any plan. which has not been mended by the observation of those who were much inferior in understanding to the person who took the lead in the business. BURLE.

The second session was marred by discontent over the "Graces". The word itself was a term applied to concessions made by the King to his subjects. The history of the Irish "Graces" is somewhat complicated.

When Falkland was Deputy the Lords and gentry had voted a contribution. Subsequently their agents went over to London with a list of grievances, and persuaded the King to amend them by a series of concessions, usually deseribed as the "Graces". It should be added that the contribution was not conditional on the "Graces", or a payment for them. Westmeath once asserted so, and Loftus and Usher both denied the statement, and proved it in the House of Lords.[1] The Graces were a reward granted by the King, without, as far as can be ascertained, taking the advice of a single member of the Irish Executive. The Privy Council in England was the authority that ratified them, and the first Falkland heard of them was an order to put them into force.[2] This was one of Charles' most serious defects, a habit of yielding to petitions without consulting his Ministers. A series of unlucky fatalities then intervened. The Parliament, which was to be summoned to ratify these "Graces", failed to mature. The requisite formulas which preceded a Parliament were bungled, and it had to be postponed. The feud between Loftus and Falkland came to a head, and

1) T. C. D. F. I. 6. 2) C. S. P. 1628—326, 327, 330—3.

reduced the whole administration to chaos. The native population began to display their traditional hostility to a Parliament. The threat of war with Spain added to the precariousness of the situation, while an actual war with France made anything like a Parliament impossible. The majority of the "Graces" were imposed by Proclamations and Acts of State. Others lapsed through change in circumstances. Others were flagrantly broken, and some the Irish Executive flatly refused to put into force, for reasons to be later explained. Parliament now had met and had passed them in the form of a petition. Some, especially that of the Statute of Limitations, met with considerable opposition, at any rate in the House of Lords, but the traditional Irish attitude of allowing different interests to pass their resolutions, while trusting to the Government to prevent them coming into force, resulted in Strafford being faced with a long list of demands, passed by Parliament, backed by great influences, some on the Council, and sanctified by the awkward fact that the King had promised to grant them.

To the great majority he had no objection. Some of those concessions he had already made were enshrined in these "Graces". Three however, were, if not dishonestly conceived, certainly disastrous to all efficient Government.

The first was a demand that all the Ulster Planters should receive new patents for a fine and an increased rent. This, at one fell swoop, ignored all previous breaches of Covenants, condoned great economic malpractices, passed back to the Undertakers large tracts they had legally forfeited, under terms much easier than those of the original covenants, and, what was more, gave them a good title for ever to areas, they had slipped into their original patents by illicit scrivenry, and to Church Lands, Crown Lands and Educational Lands, on which they had encroached. Even the lands set aside by James, for the maintenance of wounded soldiers, had somehow or other been "passed away". No honest statesman could condone this great agrarian embezzlement and this evasion of agrarian duties. The proper solution of this problem was that each owner, who, by breaches of covenant—unavoidable or criminal—had forfeited his estate, should go before the Defective Titles Commission, and state his particular case.[1]

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1) C. S. P. 1628—350, 352; L. S. I.—132, 158, 159, 322.

The second "Grace" in question was that of the Statute of Limitations, no doubt an excellent measure for England, which had enjoyed 200 years of peace, but a disastrous one for Ireland, where "instrusions" were common, and claimants to each estate many and varied. In the House of Lords the Earl of Kildare complained bitterly of this Grace. In his case a suit had been pending for 20 years. Then his father had died leaving him infant. No further step could be taken till he came of age. This exhausted forty out of the sixty years of Grace, and, as the controversy over these lands was an old one, his claim was banned and barred. The Bishop of Meath said "This debars men from their right. I lately got a decree in Chancery—as just a one as ever was got—for lands which I could not prove to be in the possession of my predecessors for less than 100 years".[1] It was this eternal question of Church impropriations that had been the driving force behind this Grace. For a century, by long leases and illicit bargains, the Aristocracy of the three Kingdoms had been encroaching on the Church lands, and this "Grace" was meant to sanction such encroachments. Bramhall unearthed a glaring case of this in Cork. A previous Sir John Fitzgerald had procured a lease of "more than thirty vicarages, wanting few to make him vicar general of the Diocese of Cloyne. By some transubstantiation the lease was turned into a fee farm of the whole Bishopric". Young Sir John had been a minor, till quite recently, and the sixty years had now elapsed. Even Lord Ranelagh, who was in favour of the Grace had to acknowledge he "never heard so foul a rapine".[2]

This Grace also prevented the Crown from ever reforming the tenures of Connaught. Coupled with another Grace described elsewhere, it left all that great Province back in a mixture of feudalism and clandom, while the other three Provinces had achieved the modern tenures. For the great proprietors of Connaught this was an ideal situation. Church lands on which they had "squatted", strips of minor clansmen they had converted into demesne, and that vast tangle of feudal incidents, which the rest of Ireland had shaken off, became theirs for eternity. There were, however, other inhabitants of Connaught righteously indignant at this Grace, nor could the Crown regard it as anything but disastrous. It made

1) T. C. D. F. I. 6. 2) T. C. D. F. I. 6.; C. S. P. 1639—88.

the Lords of Connaught paramount in that Province. It left all their estates in soccage tenures, whereby they escaped the dues that other Provinces had to pay.[1]

These "Graces" had to be refused. They had been obtained by misrepresentation. The tale, that had been told Charles, was that the Ulster undertakers had found difficulties in fulfilling their Covenants, that many honest men all over Ireland were being threatened by "beagles", and that sixty years possession as a title was a fair remedy. In this there was truth, but not the whole truth. To remedy one injustice by creating another is the way to create trouble in Ireland. The only proper solution was an examination of each case by a Commission, and the refusal of these three sweeping Graces.

The problem was how to "take the negative off the King", which was the daily work of Strafford, ever refusing the petitions London influences wrung from his Master, who, unlike his cunning father, knew very little about Irish politics. A clause in Poynings Law gave Strafford the clue. By that Act all laws and ordnances had first to get the consent of the Irish Council. He summoned that body. There were men on it singularily favourable to these "Graces". In a debate however no one could defend them. No man could honestly justify a sweeping confirmation of all existing titles in preference to an examination of each case in turn. He induced them, and no doubt the majority were very willing, to "beseech His Majesty that they may not be introduced, and so putting in ourselves betwixt them and his Majesty's pretended engagements, take the hard part wholly from his Majesty and bear it ourselves".[2] The prelude to the Council's advise to the King runs "however those instructions did then pass your Royal signature upon the information you then received from those agents, we humbly crave leave upon good grounds to disadvise some parts of them. We beseech you to give us leave to inform you that, at that time, your Deputy and Council were unconsulted with in those particulars, whence it came to pass you were not then fully informed".[3] To Parliament Strafford and all the Council declared that we "do not think these Graces should pass" and "by the duty

1) L. S. I.—457, 458; T. C. D. F. 3, 16; L. S. 11—366—369. 2) L. S. 1—280. 3) L. S. I—312.

we owe His Majesty we may not certify the King under his Great Seal that they may be passed into law".[1]

This is the meaning of that fiery Resolution that was rushed through the House of Commons in 1640 complaining that "the subject is, in all the material parts thereof, denied the benefit of the Princely Graces, granted by His Majesty upon great advice of the Councils of England and Ireland".[2] Out of 40 Graces only these three were refused. Not only had they never been originally submitted to the Council, but the one time, they came before that body they were rejected, and, as long as Poynings Law stood—the lynch pin of the Irish Constitution—that body's assent or dissent was of vital importance. Few would believe that this resolution of 1640 was animated, and encouraged and countersigned by the identical men who signed the protestation against these three Graces. The Journals of the House of Lords give all the names so protesting, and they included all the country members of the Council, as well the official residents in Dublin. Lord Montgomery, and Lord Claneboy, who voiced the indignation of the Ulster Planters, Lord Mayo and Lord Ranelagh,—Pierce Crosby was entangled in both groups—belonged to the Connaught Landlord group, Esmonde, Cork, Parsons, and Loftus—the old official coterie—all these signed the refusal to grant these Graces, and then lent their titles, influence, and power to attack Strafford for having done so also, he alone paying the penalty for the act. "It is the genius of this place", he one time wrote, "to sooth the Deputy, be he in the right or wrong, till they have insinuated themselves into the fruition of their own ends, and then, at after, to accuse him, even of those things wherein themselves had a principal share, as well in the Council as in the execution. God deliver me from this ill sort of men".[3]

When Parliament re-assembled one of those perennial storms in the political teacup had arisen, and all parties were lashing themselves into fury, expecting great things and threatening worse. The cause of the sensation was a respectable but obnoxious Englishman, who had failed to understand that he had come to a civilized country, and should conduct himself accordingly on lines different from what he was accustomed in his native wilds. His name was

1) T. C. D. F. I. 5. p. 57. 2) R. P. VIII—12. 3) L. S. I—120.

Sir Vincent Gooking, and he had done well in Ireland, beginning with a small lease, and blossoming out, in time, to become the proud proprietor of lands worth £ 30.000 near Barrymore, and Courtmacsherry, from which latter place he ran a fishing industry. [1] Despite his business and agricultural capacities, the worthy man quarrelled with his neighbours. He had a standing vendetta with the Earl of Cork. He was always in trouble with his neighbours, tenants, and labourers, whom, according to his own account, he tried to improve, they angrily declining to enter his millenium. He had a lengthy lawsuit with the Rector of Lislee, to whom he refused to pay the requisite pilchard titles, and was defeated to the tune of £ 60. [2] When Sheriff of Cork he reported some minor defects of the clerks in the Court to the judges, who only "censured" them to his great indignation. "I know they hate me", he said of his neighbours "and I make them know I know it, and that I care neither nor fear their hatred".

In a moment of emotion this worthy gentleman wrote a pamphlet in the form of a letter addressed to Strafford. The letter he never sent, but the pamphlet he published. It was a furious tirade against everything in Ireland. Nobody escaped the lash of his indignation and contumely, from the Bishops and judges down to his labourers. Even Sir William St. Leger, who was a most punctilious administrator, was accused of taking a share in every hen the soldiers stole. The Earl of Cork came in for a ferocious drubbing over his notorious evasions of contributions, and the gist of the whole affair was that thore was only one honest man in Ireland, and it was Sir Vincent Gookin. He then fled the Country "as conceiving his danger"—so Strafford put it—"to be murthered amongst them, as it was evident the people would have hanged him if they could". Strafford describes the pamphlet as "foul and scandalous", which, well he might, as it consisted of describing as universal practices certain pecularities one might find here and there at different times, if one had nothing better to do than to look for them. "All officers deceive the King and abuse the subjects. The Bishops grow rich by sealing of sin. All witnesses are corrupt. The Irish live in houses more beastly than barbarians. They are very proud but exceedingly base. They are as bloody as a wolf

1) C. S. P. 1625—1660 p. p. 803, 573. 2) C. S. P. 1625—1660 p. 335.

when they can overcome. Their delights are in nothing but idleness".[1] Vague generalities like this have a habit of incensing people more than obvious untruths, and when every class in the Country was denounced, it was as well that he fled, as the gentry were looking for him with their swords, and the peasantry with bludgeons.

When Parliament assembled every member had a copy, and all matters of State were dwarfed into insignificance. It became the great business of the day. Both Houses took the matter up, and held a joint conference. The importance attached to the matter at the time may be assessed from the fact that it is the only conference recorded verbatim in the Journals. The indignation of all may be gathered from the following extracts.

Lord Mountmorris. A slanderous invective.

Bishop of Raphoe. Might as well read Aesop's fables. He will now be beyond the seas where the Puritans resort, and they will say he is a martyr put out from hence. The man wears a fool's coat. He seems not to be in his right mind.

Lord Bourke. The Party is gone. Let him not come back.

Lord Moore. Let him come no more into the Kingdom.

Lord Baltinglass. He has an estate of £ 30.000. He might well afford better language out of it.

Lord Westmeath. No honest man will speak in Gookin's favour.

Lord Robert Dillon. He came here a beggar. He has been enriched out of the Kingdom and traduceth it.[2]

The climax came when Lord Mountmorris pointed out he was a man of means, capable of a healthy fine, and "gallantly and majesterially told them out of some scraps of knowledge, that the Lords would proceed, of themselves, to sentencing him, allbeit, absent, without so much as mentioning the Deputy and Council".[3] Matters had became serious now. If the Parliament assumed a judicial right, there was no knowing where it would end. The English Parliament assumed it in 1641, with disastrous results. First the Parliamentarians prosecuted, tried, and sentenced the Royalists for contumacy. In turn the extreme Parliamentarians did the same to the moderate section. Then the triumphant extremists split into two sections, the more extreme of which persecuted

1) C. S. P. 1625—1660 p. 181—6. 2) T. C. D. F. I. 6. 3) L. S. I—349.

the more moderate by this weapon. Men were imprisoned and executed, estates escheated. suits decided on petitions by majority votes amidst Babel, and uproar, and confusion. Laud himself was sentenced by a House, many of whom were absent during the trial, only coming in to vote for his execution, while the number of judicial decisions in Dublin that were upset by Irishmen petitioning the Parliamentarians in Westminster was a scandal to civilization.

This Strafford was determined not to allow. He issued a warrant for Gookin's arrest, and got the Privy Council to put it into execution, and to send him back to Ireland. He told both Houses that the case was sub judice before the Castle Chamber, and was accordingly outside their power, adding that the Irish Parliament never had the judical prerogative, and could not assume it owing to Poynings' Law. The fact that Gookin was to be tried by the Deputy, assuaged the indignation which otherwise would have arisen. He was subsequently censured and fined in the Castle Chamber before a crowded and fashionable audience, who had, as an additional tit-bit and preliminary to the cause celebre, the spectacle of the Earl of Cork being fined £ 5 for failing to lodge documents he had been ordered to produce in a suit of his own. The Earl noted the fact in his diary, the injury of the fine and the insult of the large number of those who looked on.[1] Gookin then retired into private life, and emerged later as a Land Commissioner under Ireton, when it is to be hoped he gave greater satisfaction.[2]

The House then turned to serious matters, but the loss of the three "Graces" caused bad temper. The traditional attitude of an angry House at that period was to reject whatever measures the Government proposed, irrespective of the damage members did to their own interests. The bills against bigamy, fradulent conveyances, and for the erection of gaols were rejected after stormy scenes and by small majorities. As for the Bill making accessories to murder liable to prosecution they would have none of it. The Recusant party were the cause of this emeute, as their leaders were very indignant over for the rejection of the Statute of Limitations. "I was very much troubled at this, for albeit the King had got

1) L. P. I. S. IV—143. 2) C. S. P. 1625—1660 p. p. 349, 393.

his supply, I was wondrous unwilling any malevolent tongue should seemingly charge us that, having served the King, we now became meanly careless of what we ought to his people." As there were some Bills he was very anxious to pass, he fell back on the Protestant Party, and, after some lobbying and appeals to rehabilitate themselves in the King's eye, after their mutiny of last session, he induced the Protestants to attend the House. This gave him a majority of sixteen, and Bill after Bill was passed with clockwork precision.

This affair resulted in the expulsion from the House of Geoffrey Baron, the member for Clonmel for "some untruths". He was a relative and protege of the famous Father Wadding. Strafford was very scornful of his activities. "Mutinous and bold", he calls him, "a kind of petty chapman's son who by trading left him some £ 200 a year".[1] This is rather severe, as Baron, was a most respectable young man. Father Strong, the Franciscan described him as "an excellent lawyer, and youth of great promise and virtue", and a letter in his own handwriting reveals him as a kind of patron of a host of little Barons, whom he brought up and apprenticed.[2] Subsequently he emerged, during the Civil Wars, as Secretary of State to some mysterious and projected clerical constitution, by which some zealous priests had an idea of ruling Ireland according to ideas founded on Christianity. It was, however, rudely rejected by the men of blood who dominated the Irish stage at that period.[3]

The revolt had, however, a more serious side. The leader of the opposition was Pierce Crosby, a member of the Council, and a Colonel in the Army. The cause of his outbreak was that he was one of the Commissioners for the Ulster Plantation, who had procured the Grace dealing with the new patents, was a Plantation proprietor himself, and had been recommended, at the period of the Graces, as the best man to voice the interests of the Connaught landlords.[4] The refusal of the three Graces was, to him, therefore, a serious matter, even though he had signed the requisition disowning them. For a member of the Council however to vote with the Opposition was an offence of a very high degree. He had aggra-

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1) L. S. I — 350. 2) Franciscan M. S. S. p. p. 24, 98. 3) Franciscan M. S. S. p. 175. 4) C. S. P. 1627. — 273; 1628 — 381; 1625—1660 p. 312.

vated this offence by the remark that "in Kerry he had 400 swords which would strike where he bade them without asking a question", language most unbecoming in a Privy Councillor. There was only one course to adopt, and that was to sequestrate him from the Council. That body would have been a farce if its members, after having "put their hands" to measures, went down to the House and opposed them.[1]

Thus was powerful enemy made. The whole Council was unanimous on the sequestration, but Pierce Crosby not unnaturally attributed his fall to the Deputy and his novel ideas on Cabinet unanimity. Crosby was a very influential man. Falkland attributed the King's displeasure to Crosby's informations against him.[2] He was Lord Castlehaven's stepfather, and Lord Castlehaven was one of the leading lights among Conservative Roman Catholics.[3] His official post of Commissioner for the Ulster Plantation had given him a following in the North. His mother was a Princess of the House of O'Moore, and all the O'Moores in North Kerry "had their dependance" on Pierce Crosby, he being their landlord and patron. Twenty-five years before they had sworn with uplifted hands to be "faithful, loving and obedient to Mr. Crosby and his heir Piers, he to defend them in Courts".[4] In England he had an established reputation as an able soldier, one of the few officers who came out of Rhe with credit.

His influence in England, apart from his military reputation, was due to the close friendship between him and Strafford's great enemy the Earl of Holland. That personal friendship was now cemented into a political alliance. Every Irishman with a grievance now could be brought into the "Queen's side" by the introduction of Crosby.[5] The Connaught Lords found him a great stand by at Court, and Holland favourably disposed to further their claims.[6]

Strafford seems to have regarded Crosby, rather as the tool of others. "My judgement of his case led me rather in his favour than in his contrary", he wrote. Nevertheless he was firm in the belief that the Council Board was no place for one "full of vanity, with nothing in him but formality, and that ever set the mutinous

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1) L. S. I—351—352. 2) C. S. P. 1626—155. 3) G. S. P. 1628—381.
4) C. S. P. 1608—467. 5) L. L. VII—423; L. S. II—4. 6) L. S. I—497.

way".[1] On another occasion he described him as "a gentlemen better qualified for a lady's chamber, an Adonis rather than a Mars".[2] When he left the country without permission, contrary to a well established rule and appeared in Court with great pomp as agent for the Connaught Lords, Strafford told Coke he would not have him prosecuted, adding.

"A busier than he none was
And yet he seemed more busy than he was."[3]

Crosby however had a strain of some of the old methods of the middle ages in him, and suddenly he dropped a bombshell of a very different calibre. An old farmer in Wexford was ordered to have certain cattle in Dublin on a certain day, in lieu of his taxes. He defaulted and was arrested. Before being committeed Strafford was seen scolding him and shaking a stick at him, a small cane, subsequently produced in the Star Chamber. A few months after his release he died of consumption. Lord Esmonde, Mountmorris, and Pierce Crosby, busied themselves in this affair, and the evidence certainly looks as if they tried to get the widow to swear that her husband had died from a flogging in the Castle at Strafford's hands. Certainly Crosby published the canard at Court, and legal proceedings had to be taken. Holland flatly refused to give the evidence that he had heard Crosby relating this invention, pleading that he was above subpoenas, but, on Strafford appealing to the King, he consented to answer the questions put to him.[4] The case was tried in London. Mountmorris was acquitted. Esmonde and Crosby were both heavily mulcted in damages for a libel they tried to justify in the pleadings, but disowned in Court. Crosby then entered the service of the King of France.[5] He returned for Strafford's trial, and appeared as a witness to prove Strafford had intimidated members of Parliament by dismissing him from the Council for voting against the Council's measures. At a later stage he testified that one night at dinner Strafford said "I will make an Act of State equal to an Act of Parliament", which was a truism of the mildest character, as if Acts of State had not such force, there would have been nothing

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1) L. S. I—352. 2) C. S. P. 1635—100. 3) C. S. P. 1635—114; L. S. I—497. 4) L. S. II—230, 252. 5) C. S. P. 1639—214—217.

to gain by issuing them.[1] On Strafford's downfall the grateful Parliament decreed that the damages Crosby had to pay in the libel action be recovered out of the hands of the Executors, who were to be prosecuted.[2]

In the meantime "the Queen's side" at Court had been reinforced by a persona grata with the King, and a man who knew every inch of Ireland, had friends in every County, and could direct Holland, Vane, Hamilton, and Arundell on to the weak spots in Strafford's armoury. As one reads through the Strafford letters one is amazed at the number of his warrants that were held up, appointments and recommendations disowned, and at the curious number of signet letters that used to emanate from London awarding grants and doles to unentitled persons. "The Queen's Party" always had friends in Ireland, and a man, a class, or a party that could not get their way in Dublin always appealed to "The Queen's side" in London, and the appeal was never refused by that energetic cotere, composed of all sorts and conditions of Adullamites, bound together by no common tie save that of hostility to the King's leading Ministers. The Venetian Ambassador traced the origin of this cabal to the work of Castelnovo who "planted the party at Court of the Earl of Holland, of Montague, and others of inferior rank, all supported by the Queen, who interested herself, so far as she tried to bring about the fall of the Treasurer (Portland). After the departure of Castelnovo this party still went on."[3]

After Crosby's collapse the Parliament seems to have grown tamer, and the great code of Straffordian legislation found its way on to the Statute Book, with only a few losses by the way, and after several divisions and defeats. Next year the whole code was published in a volume, still extant, printed in Dublin by "the Royal Society of Printers", prefixed by a wood cut of remarkable design, in which the head on the Irish harp is masculine and bearded. Corinthian columns, distended cheeks blowing ships, castles, and appropriate remarks of a loyal nature usher in some two hundred pages of black beaded type.[4]

A large number of these Acts were penal codes passed to enable

1) R. P. VIII — 110—118, 177, 178. 2) C. S. P. 1641 — 298, 302, 307, 313, 1647—640; 1625—1660 p. 312. 3) Ven 1631—526. 4) Acts of a Parliament held in Dublin. 1636. Trinity College Library.

the Courts to deal with offences, which hitherto had to be forwarded to the Council Board, with the result that the agenda of that body was overcrowded, and prisoners languished waiting for trial. Three measures anticipate in a mild form the Local Government Act. Justices were ordered to assess the country for rates for the erection and upkeep of gaols, and bridges, and the maintenance of roads, each justice taking it in turn to act in a supervisory capacity. This Act was subsequently supplemented by an Act of State compelling all and sundry to erect ditches along their lands, adjoining the roads, and forbidding once and for all the practice of "stopping and barring up" roads.[1] This Proclamation gives one the impression that with the growth of roads and traffic "men of power" were seizing the opportunity to erect toll gates. That "particular end to the detriment of the commonwealth" however never became in Ireland the common practice it did in England, whose law abiding inhabitants had actually to riot at the beginning of the nineteenth century to secure permission to drive along their own roads. Another Act was passed recognizing the principle of compensation for malicious injuries, and allocating the burden according to baronies.

Another measure gave Scotch settlers the right of citizenship. Planters in the Ulster Plantation were always accorded this right, but the majority of the Scotch immigrants had drifted over by economic pressure to the cheap lands of Down and Antrim, under no Government supervision, either as small leaseholders or labourers. The Government had always been hostile to this incursion, partly because they were not the class of settler that was needed, and partly because they were a very troublesome element. Once in 1622, and again in 1625, their immigration without licence was forbidden, and passenger vessels were liable to penalties for their importation.[2] Their position was that of aliens with no civil rights, and thus at a great disadvantage in a Court of Law. This measure gave them the same rights as the native population, a boon they might have remembered a few years later.

One measure was only carried by an official whip and the votes of the Bishops. The Lords of Irish descent, with Lord Bourke of Brittas at their head, regarded it as a novel invasion of their

1) B. L. p. 36. 2) B. L. p. p. 25. 28.

ancient rights. The fishermen were in the habit of posting scouts on the hills to signal the movements of shoals, such scouts being called "Calkers, condors, and guidos". Agrarian proprietors were in the habit of exacting blackmail from these trespassers, which this Act forbade, giving such necessary elements in the body politic a free right of entry. There was much murmuring about "our corn" and "so much money thus made from our lands", but, in the end, it was passed by a "plurality of voices".[1]

Most necessary of all however were the two Acts for-bidding secret feoffments, and enacting in Ireland the statute of Wills and Uses. Up to till this time one seldom knew who was the real owner of land. Bona fide purchasers were frequently swindled and discouraged by the legal trick of the vendor first making a secret deed in trust of his lands, and then selling what was not in his possession at the moment. The unfortunate purchaser then had to fight it out with the feoffee or the vendor, and could never prove the title for which he had paid. Strafford makes so many references to this practice that one gets the impression that it was widespread, which would go far to explain the clamour for a Commission of Defective Titles. The Earl of Cork one time said that "in this peaceful time all of them make secret feoffments, without regard of conscience or credit", and he bluntly told the authorities that no reorganisation of tenures should be based on a landlord's surrender, because, in nine cases of ten, what he seemingly surrenderd was the property at the time of a feoffee, and thus the new titles would be void.[2] These twin measures had another effect. It was a common practice, when a land owner was nigh unto death, to vest his lands in a feoffee and thus evade that portion of the feudal dues which corresponded to our modern death duties. These two statutes stopped that practice once and for all, and brought all large estates under the operations of the Court of Wards.[3] This was an innovation, calculated to cause heart burnings in certain quarters, especially as the Parliament had not the vaguest idea what they were doing when they passed that measure.[4] All great landed proprietors were constantly evading these duties, and it was a common practice for those with influence to procure

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1) T. C. D. F. I. 6. 2) L. P. 2. s. IV—168. 3) L. S. I—192, 344, 378; II—18. 4) L. S. I.—352.

signet letters in London, which had the effect of securing their exemption. [1] Strafford's innovation increased the duties by £ 2000 a year, bringing the Revenue from this source up to £ 10.000. [2] Arundel had put up a hard fight in the Privy Council against this innovation, talking much about "the hardships on the people", and saying nothing about his Wexford property". "Let me tell you", once wrote Laud, "when a private turn is to be served the Earl Marshall is as good as any other". [3] Arundel grew colder and colder towards Strafford as time went on. [4]

The very moment Strafford fell, both Houses raised a strenuous agitation to abolish the Court of Wards and had all but done so when the Rebellion intervened. In fact there is evidence that one of the causes of the revolt of the House of Commons was due to a desire to abolish these dues. [5] On the Restoration the landed interest wiped out all these feudal dues, and substituted a hearth tax, to which labourers, slum dwellers and landless men generally had the privilege of contributing. The prelude to this Act complacently stated that "it has been found by experience that the Court of Wards and liveries hath been more burdensome, grievous and prejudicial to this Kingdom, than they have been beneficial to the King". [6] This he who wishes to believe may do so. It should always be remembered that, one of the constant under-currents of Irish history is the evasion of taxes on the part of those in possession of land, coupled with a steady agitation to make up the deficit by imposing such duties on industry, or on the commonality, who are not in possession of land. "There is no speech of tenures now", wrote a North of Ireland landlord with glee, "neither of knight's service nor of scutage—both forgotten". [7]

The general effect of the whole code—and it was a pretty comprehensive one—was to finish off finally the movement which had begun a hundred years before, and had now culminated, the abolition of local autocracies, and the establishment of a central Government. Ireland had now reached that stage of development England had achieved in the reign of Henry VII. From this

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1) C. S. P. 1627—77, 68; 1632—647, 610, 602, 440; C. S. P. 1625—1660 p. p. 222, 223. 2) L. S. 1—192; C. S. P. 1625—1660 p. 234. 3) L. L. VII—100, 175. 4) L. S. I—192, C. S. P. 1625—1660 p. 234. 5) C. S. P. 1641—284, 320, 321, 1625—1660 p. p. 240, 310. 6) Act 14 & 15 Charles II. C. 17. 7) T. P—199.

time on—if we exclude the reactionary movement during the Rebellion—the activities of Irish parties and Irish interests were to be directed, not towards local hegemonies and heptarchies, but towards capturing the central Government, and using it for their own ends. "The King", wrote Parsons, "has got rid of the tyrannous Irish Lords, except a few in Connaught and Munster. The King's authority has succeeded all local potentates. Now we have only to deal with a few idle youths, who can easily be crushed, whereas formerly there were combinations of three of four Irish Lords, each exercising absolute authority over his own country, so that their combinations were usual, easy, and durable. The law is respected. The sessions are awefully attended. The King's writ is obeyed everywhere. The people in the natural are a very subject people, when encountered with an apt Government".[1] This was written, even before Strafford arrived. In it there was much truth. There was also one notable omission. The next stage was to be the revolt of Parsons himself with the official and planter class behind him, in an effort to substitute for the King's writ the writ of the Parliament in which they had a majority. After the traditional manner of Ireland they went on their keeping to the cry of Liberty and Religion, It was the recognition of this coming emeute that made Strafford so hostile to the Parsons—Loftus—Mountmorris, Puritan planter and Parliamentary freedom combine.

The Parliament however had yet another function to perform, which Strafford devolved on it with cynical and humorous comment. The Irish Civil and Military Lists were cumbered with arrears, dead pays, and improper pensions. For forty years it had been the custom to bestow pensions for very curious services, sometimes for no services at all, and often without any warrant. The pension list was a kind of horn of plenty, out of which those who would not be otherwise satisfied, used to be partly satisfied. It was also burdened with the arrears of pay, due to those who fullfilled no functions, ancient mediaeval posts, and wardens of forts that had long since sunk into decay. The Army, of course, was the chief offender in this respect. Strafford one time called it "an army of dead pays". One of Coke's henchmen wrote an essay on the Irish Army in which the following ghastly comment occurs.

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1) C. S. P. 1625—58.

"There be of the Army and others that are pensioners. Now though they die their pensions seldom die, but are translated to others that never deserved any, and it had been ordinary to sell them from one to another. The reformation must proceed from the King's own breast, for those Lords that shall be advised will be averse, because therein they find means to prefer and maintain younger brethren".[1]

To lay this unpleasant duty on the "King's breast" however was a tall order, especially at a period when "Acts of Grace" and not "negatives" were the King's function. Strafford with considerable originality bethought himself of the Parliament. Parliaments are always hostile to armies, the men of words having no love for the men of action. Furthermore, in Ireland, the rising political class is never tired of denouncing the last bulwark of the Government, the instrument of the law, and the possible restraint on their own activities, if failure in the constitutional arena forces them to gamble for power on the hillsides. To read the denunciations of the Army in the State Papers one would assume that it was more unpopular than the corn hoarders and the rack-renters, and one would never imagine that it was composed of Irishmen, and that there was great competition to enter its ranks. Suffice it to say that the anarchical gentry, the planter, and the official class had no love for what Strafford used to call "the great peace maker", it being "a foul mote in their eyes". What therefore more desirable than to hand over the expunging of this list to the House of Commons, who "would beat down the demands lower than would be proper for the general to fall upon at the first bout"?[2] A friendly member of the House was put up to demand it as the right of the people's representatives, and the whole House were enthusiastic, petitioned Strafford, and a Committee was appointed.[3] Thus, whenever an indignant barnacle on the Revenue, protested against the reduction or destruction of his sinecure, Strafford used to point to the flamboyant ukases of the House of Commons, "shewing them the opinion and pleasure of the House, ourselves and his Majesty being drawn forth of their blame and hard conceit".[4]

The instructions of the House were that all "almsmen and

1) Cowper M. S. S. I—456. 2) L. S. I—305. 3) L. S. I—346. 4) L. S. I—402.

maimed soldiers" be paid in full, if they appeared in person, and arrears to their heirs if they were dead. The same applied to certain clergy, servitors, and the wives and daughters of attainted Lords, Lady Desmond, Lady O'Dougherty, and Lady O'Reilly. Arrears of officials were to be paid on a sliding scale, due regard being had to their other emoluments. All officials that had ceased to function, all wardens of abolished forts, and all ferrymen—who were well paid by dues—were to be struck off the list. All Army officers demanding arrears of pay were to account for every item in an affidavit, and those arrears due before 1629 were to be mulcted one-third. [1] With this resolution in his hands Strafford was able to present an iron front to the demands of the great and hungry horde of placemen on the Civil and Military list.

The Parliament was now drawing to a close, but Strafford was unwilling to allow it to be dissolved. His idea was to prorogue, and to summon it again to deal with the Plantations of Ormonde and Connaught. As regards Ormonde he anticipated little difficulty. Connaught, however, was in another position. The Lords were paramount in that Province. The only known method of reorganising the area was to hold a trial, procure a verdict vesting the area in the Crown, and then with compulsory powers deal with each estate in turn. The early Jacobean and late Elizabethean method of inducing the chief men to surrender their estates depended on the good will of these men, and was full of insuperable difficulties. "They will not submit", the Earl of Cork one time wrote, "but upon conditions, which will abridge His Majesty's profit, and not allow the freedom such a work of granting and dividing lands would require". [2] To find a jury in Galway that would appear in public, and vote for the compulsory reallotment of Lord Clanricarde's Kingdom was an impossibility. Those who were not of the Clan Burke knew better then to risk their all in a contest between the distant Dublin Executive and the very present Donnellan, Clanricarde's agent. Strafford's solution of this threatening difficulty was to ask Parliament to pass an Act giving him compulsory powers over Connaught. The whole political situation had now changed. The Connaught members could no longer dominate the House by an agitation for the Statute of Limitations, nor by playing

1) L. S. I—408—410. 2) L. P. I. S. IV—167.

on the discontent Strafford had already alleviated. There was a second motive for a prorogation instead of a dissolution. If a title to Connaught was found, if the area was reorganised, new titles distributed, old ones abolished, blackmail rights cut down, demesne rights established, freeholds created, and rents fixed, if all these things were done by a Commission, the findings of that Commission were not legal, were not worth the paper they were written on, till a Parliamentary sanction was obtained. Till Parliament passed an Act for Connaught not only Clanricarde and his colleagues, but every small owner who was not absolutely satisfied would be on the warpath, twisting and turning every way to upset the settlement and avert the Parliamentary sanction.

Strafford's proposal fell on cold ears. The King hated Parliaments. Laud and Cottingdon were distrustful of the idea of a Parliament remaining for long in embryo. It was suggested that Strafford had boasted that he would carry through these Plantations by the Jury System. Let him therefore make good his boasts. "I see", wrote the Deputy, "I shall not need to fear anything I write shall be forgotten, and I am glad of it, wishing with all my heart that all the promises of His Majesty's servants were written in brass, that we might see who comes nearest a performance. It is true I find in a letter to my Lord Treasurer I mentioned an entitling to Ormonde, but, as for Connaught, I never so much as mentioned it". It was obviously his old foe Portland who had raised this petty point. Suffice it to say he had to dissolve Parliament. If Parliament had been prorogued and an Act for Connaught, giving a Parliamentary title to the Commissions findings, been passed in time, the history of the three Kingdoms might have been different.[1]

Four years elapsed and in that time much happened, probably the most crowded four years that ever elapsed in the history of that storm tossed country.

The contrast with England makes one wonder what curious filter it was that made what we associate with one country became the peculiarity of the other. In England the revenue had to be supplemented by the sale of monopolies, on a scale destructive to industry. In Ireland the revenue met the expenditure, wiped out

1) L. S. I—353, 365, 370, 379.

the debt, and established a surplus. In England trade languished. In Ireland for one ton of shipping that there was in the ports in 1630, there were now one hundred. The English State papers teem with references to the wann of agriculturel and the fall in the price of land. In Ireland the value of land doubled. Where England rang with constant complaints that industry was falling, the Irish exports of manufactured articles reached a level they never touched for fifty years afterwards. Where the English Executive was in chaos, the Dublin Executive ran smoothly, quietly and swiftly. Where there were open signs of discontent and disorder in England, there were none in Ireland. England had no Army. Ireland had an army "every private of whom was fit to be a Captain". The administration of law in England was bringing the judiciary into contempt. That of Ireland was supposed to be the best feature of the administration. Strange as it may appear there is evidence, strong evidence, that the centre of Imperial power was shifting-quietly, slowly, and steadily to Dublin. Men were getting into the habit of making their appeals to Dublin and not London. It was the Irish situation that encouraged Charles to declare war on Scotland. The only reason that the Imperial Council was consulted at all by Strafford was that the King lived in London, and many a stroke of policy was adopted without any reference whatsoever to that body. The Country that had the money, the trade, and the armed men was dominating the situation, and those three it possessed, because it was at peace with itself, and no man, interest, or crowd attempted to dominate the rest.

Orthodox history has chosen to explain this phenomen by an autocratic tyranny, forgetful that Ireland, as a whole, is a very difficult country to hold in awe with a police and military of only 2.000 men. Strafford's contests with his first Parliament scarcely reveal a tyrant. It had the power of refusing him supplies, and rejecting everyone of his measures, and at no time was he ever sure of a majority in either House. There was absolute liberty of discussion for the private member, and we may be sure they availed themselves of the right. Everyone of Charles' English Parliaments culminated in the arrest of members for Lese Majesté. The Irish Parliament only once expelled a member and that for libel. Even on the Council there was the same liberty, provided it was exercised inside, and not outside the chamber. The Council also was com-

posed of men very difficult to dominate like Lord Ormonde, Sir Adam Loftus, Lord Robert Dillon and Sir Wm. St. Leger, the last of whom was old enough to be Strafford's father, and was of a type not easy to browbeat. We know too for a fact that Strafford frequently gave his opinion last so as to encourage the more timid members to speak out, and Radcliffe has put it on record that "he never did anything without advice".

Tyranny in the sense of an overbearing regime there was none. The Irish Aristocracy would never have stood it for twenty four hours, as great Elizabethean statesmen had found to their cost. The secret of the success was the latent forces Strafford was able to mobilize. Behind the figures, who gestured bravely on the political stage and frequently defied him, was the nameless multitude, country gentry who for the first time were sure of their titles, plantation tenants who at last got a lease, City merchants whose cargoes were protected at sea, minor men assured of a fair trial in a Court, labourers who shared in the increased prosperity and were therefore less likely to rise out at the bidding of an empty stomach and a local firebrand. All these constituted the moral force that enabled the State machine to work. When he fell, all the accusations came from the parasites on the Country, and all the innovations they made—"reforms" they called them—"served only particular ends at the expense of the commonweal". The worst Rebellion Ireland ever endured was the result.

Chapter III

THE WAR WITH SCOTLAND

> "I took a messenger, sent out of the North, to stir up a new rebellion with the persuasion of the speedy coming over of a great army of Scots. The said messenger confessed unto me that it was determined in respect they were governed by a priest and another that was not a soldier, if I had not come over, there would not have been left one Englishman alive in the realm. I summoned a Parliament to which came all the great men of the realm. I sought to pass to your Highness a subsidy, but the same was crossed by divers English gentlemen, who for that they were of great livings withstood the same for their private ends, which was the first cause of the falling out between me and the English gentlemen". SIR JOHN PERROTT.

In 1639 a new situation had arisen. The Great Lords of Scotland had "gone on their keeping". They had been given a handle for which they had been thirsting ever since Charles' accession. It consisted of an Anglican Prayer-book, suspect by honest Calvinists, and the feudal aristocracy of Scotland immediately became Covenanters. Strafford described the whole affair as "a senseless freak", but once the gauntlet was flung down in Scotland it had to be taken up. The situation was considerably complicated by political developments in Scotland. Large areas were still back in the good old days of feudal autocracies. The upheaval, when Mary was deposed and during the long minority of James, had resulted in a curious situation, whereby the powers of the Central Government, so far from extending, as in England and Ireland, had been steadily whittled down by powerful and aggressive personalities, in whose areas the King's writ scarcely ran. The bankruptcy of the Scotch Exchequer reveals how far this reactionary movement had spread. That bankruptcy was not due to increasing and expensive functions as in England and Ireland. In Scotland

the Executive may be said not to have operated at all. In the meantime Crown Lands, Church lands, and State farms had disappeared into the hands of great feudal personalities. In the case of the Church lands they may be said to have been entirely passed away. The Scotch Historian, Burton, gives the following explanation of the total disappearance, at any rate of the lands of the pre-reformation Church. These lands had been "subject to the risks to which such property is proverbially liable. Whenever there is property held for the benefit of the public at large there is a ceaseless suction at work, like a dynamic power in nature, drawing it into private hands. Statesmen, with all modern appliances against dishonesty, know how difficult it is to keep the domain of the Crown from "waste". In that day it was guarded by careless officers, ever ready to serve a friend, especially for a consideration in return. These friends were a needy, rapacious, and powerful body of men, ever hovering around the treasure so imperfectly guarded".[1]

James, after his long and painful experiences as a young man in Scotland, bullied by powerful factions and scolded to his face by their political clergymen, had let sleeping dogs lie, and, provided no actual rebellion took place, was only too glad to rest in peace in London.

Charles, however, was of a different calibre. He was one of those men who suffer from an intense desire to reform what is wrong. His lack of imagination prevented him from realizing that to demand from a powerful aristocracy the disgorging of what they called "their lands" was to provoke them to rebellion. His accession was marked by a steady and persistent policy of seeking to recover not only Crown lands for which something might be said, but Church lands, which were regarded as the legitimate prey of gentlemen. The unpopularity of the Established Church in Scotland was in no small part due to the fact that it was being reorganized and rebuilt on what men called "the confiscation of their properties", properties which had been in their possession from the day they deposed Queen Mary for Popery, properties too which they had every expectation of extending, till this cold, immovable, phlegmatic Stuart ascended the Throne, a fanatic

1) Burton. History of Scotland V — 441, 444, 445.

on the rights of his Church, a fanatic on "the prerogatives of my ancestors", and a fanatic on the theory that "there must be no intermediaries between me and my subjects".

Politically the Established Church was growing intensely unpopular. The Tudors had ruled England and conquered Ireland by Ministers of the middle classes, allied to no feudal house, powerless by themselves, "depending" only on the King, who could dismiss them at his pleasure. The difficulty was to find such men in Scotland. What Charles should have done was imported them from England, and taken the risk of their ignorance of Scotch conditions. Strafford held that this was the proper course to adopt, but matters had gone too far by this time.[1] Charles found only one germ of a middle class in Scottland, and it consisted of the clergy. It should be remembered that, at this era, the brains of the three Kingdoms went into the Churches. The result was that the Scotch Council was a clerical ascendancy. Just as the Irish Executive consisted of soldiers and lawyers, that of Scotland was dominated by Bishops. Every refusal of a grant, every service of a writ, everything unpleasant associated with Government was accordingly attributed to the Church.[2] "The very name", wrote a contemporary Scotchman, "is grown so contemptible that a black dog, if he hath any white marks about him, is called 'Bishop' ".[3] No doubt some of these Bishops were deservedly unpopular. Strafford and Bramhall would allow no Scotchman to become a Bishop in Ireland. One time Strafford actually countermanded a Royal nomination to a Bishopric rather than allow one of the Scotch Bishops into Ireland.[4] Bramhall, who himself was not a very tolerant man, especially towards Calvinists, ascribed the "tumults" in Scotland to the "too imperious disposition" of the Bishops, "desirous rather to involve the State in a combustion than to bend themselves".[5] "Hot-spirited and griping men, not fit for these parts" was Chichester's comment on two eminent Scotch ecclesiastics, that James one time inflicted on him and Ireland.[6] Be that as it may when Laud—an Anglican High Churchman —launched a prayerbook in Scotland, in conditions like these, not only did he set Glasgow and Edinburgh and the Lowlands ablaze,

1) L. S. II—190. 2) H. B. II—392. 3) James Howell. Familiar Letters. p. 276. 4) L. S. II—369, 373, 378. 5) O. L. p. 71. 6) C. S. P. 1612—241.

but he gave the feudal reactionaries the opportunity for which they had been thirsting ever since the accession of Charles. No wonder Strafford called it "at mad freak", to raise the religious issue and the rights of Bishops among a nation with "a natural propensity against that Order and a sacrilegious desire to hold what they have got from the Church".[1]

This was not the first time these gentry had "gone on their keeping", or, at any rate, sought for a breach. This time it was true their Calvinistic consciences were aroused. A few years before the same men were meditating a rising out as staunch Roman Catholics. In 1626 the Earl of Argyle had made overtures to Spain, and pledged himself and "many Lords" to rise, if only the Spanish fleet sailed to the Scotch coast. This affair was nipped in the bud by the Spanish ambassador, who reported it to Charles, that Monarch discreetly locking the exposure in his Royal bosom.[2] In 1629 "James Nugent, late Friar of the Order of St. Francis" revealed to Usher that he "was employed by the Roman Catholic nobility of Scotland to offer their service unto his Holiness towards the conquest of the kingdom of Scotland by any Roman Catholic Prince."[3]

Charles always refused to believe ill of Hamilton. Charles forgot, or chose to forget, but others did not, that, if Charles and his sons were wiped out Hamilton was a possible heir to the throne. By English law he had even a better title. This was the one Minister Charles chose to advise him on Scotch affairs, and there is no doubt that someone sold the pass. A letter of Laud's shows Strafford's misgivings on the employment of this great nobleman to lull the Scotch emeute. "I verily believe he is right set, and yet I know that the contrary is very much apprehended by all sorts of people here, as well as with you. He must be right set or else he cannot be less than the devil incarnate".[4] Years later Argyle, who led the Covenanters, in a burst of passion and indiscretion said "I and the rest did act but by Hamilton's direction, knowledge and private approbation".[5] Even at the time when Hamilton was writing despatches to the King, relating how the

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1) O. L. p. 72. 2) Ven. 1626 — 447. 3) Cowper MSS. I — 402. 4) L. L. VII — 565. 5) H. B. p. 257.

Scotch Calvinists would not even allow him to land from his ship, he was carrying on negotiations with the very leaders of the emeute, who used to visit his ship at night, and, at the same moment, he was conspiring with the Parliamentary and Puritan leaders in London.[1] Such was the Minister Charles sent to Scotland to deal with this affair. Such was the colleague with whom Strafford had to act, and whom he dare not expose. Hamilton "had the greatest hold over the affections of the King of any man of that time".[2] Such was the great Minister who had a host of kinsmen, great landowners in the North of Ireland, ready, as Pierce Crosby would say, "to strike where he bade them without asking a question".

How far he trusted Argyle and Argyle trusted him is a pretty, if unsavoury, problem. In 1641 they were as thick as thieves. In fact Hamilton openly declared himself as a Covenanter and Parliamentary liberty man.[3] In 1639, before Argyle had declared for the Covenanters, Hamilton was stirring up the Earl of Antrim to attack Argyle's territory. Strafford was to provide the money and the arms, and the men were to be under Antrim, and were to be O'Neills, and MacGuinesses and MacDonalds, reinforced by buccaneers and swordsmen, and mobilized near the Ulster Plantation at the beck and call of Hamilton and Antrim. Hamilton was always hankering after these mobilizations, but in this case he met his match in Strafford, and men, women, and little children slept sound and peacefully in Ireland, while the Deputy kept guard.

Feudalism, Scotch, Irish and English reads well in ballads, and looks fair in paintings, but, without the iron hand of the Imperial Power to crush it when the need arose, its path was strewn with tortured men and ravished women, and the shrieks of slaughtered babes. Those who have a taste for the gruesome can probe into Scotch history, passing by the stately divines, the dignified lairds, and the gallant highlanders, and study what Argyle did when he loosed his bloodhounds on the Clandonald. Nor were some of the loyal Scotch gentlemen much better. A body of them offered

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1) M. S. S. Scotch Affairs. James Gordon 1637—1641; H. B. p. 48. 2) C. H. I – 87. 3) Spalding History of the Troubles I—189; Carte. Original Letters p. p. 4, 8.

to assassinate the Covenanting Lords, if they got their estates as a reward, a proposal which Charles coldly rejected.[1]

A "rising out" such as this was bound to affect Ireland. If ever the Imperial Power gets a shock, however minute, or weakens in any way, queer elements rise up in Ireland, and demand their pound of flesh from the embarrassed Executive. Its usual supporters also threaten to desert, unless they too get their rights. As the claims of the indignant mutineers and those of the revolting supporters are usually at each others' expense the Executive power gets into a mesh of difficulties, between truculent enemies and faithless friends. There is no doubt but that Lord Loftus relied on the confusion at headquarters in England to risk a fall with Strafford, firmly relying on Holland and the Puritan leaders to bring pressure to bear on the King to get him off. Clanricarde regretfully informed the King that "the poverty of his estate" prevented him from giving all the assistance he would otherwise have given to fight the Scotch, but that, if his Estate was exempted from subscribing to the Connaught Plantation, and if his encroachments on Church Lands were not escheated, he would then be able to support His Majesty in full force.[2] In Down and Antrim Lord Montgomery and Lord Claneboye displayed leanings towards Puritanism, and the "meaner sort" on their estates demanded a synod of their own, in which to embroil the status quo.[3] An epidemic of house burning broke out in the Midlands and in Donegal, but all the offenders were routed out, captured, and lodged in durance vile.[4] Quietly but none the less effectively Strafford quietened the mutineers, and the land relapsed into peace.

Under the surface, however, there were all the elements of an outbreak. A Scotch upheaval affected all Ulster. When Argyle had been intriguing with Spain some years before a certain unrest was noticed among the O'Donnell clansmen. Armed men were coming and going from Donegal to Scotland. It was rumoured that Killybegs would be the scene of a landing.[5] The exiled Earl of Tyrone wrote urging some of the Northern Priests to preach a jehad and rouse the faithful to action.[6] During all that period there was a coming and going of agents and letters, and the Irish

1) Dom. 1639—51. 2) L. S. II—408. 3) Hamilton Manuscripts p. 35 L. L. VII—509. 4) Cowper M. S. S. II—230. 5) C. S. P. 1625—1660 p. 130. 6) C. S. P. 1630—35.

Government was in a constant state of alarm.[1] In the end it blew over, and £ 200 was spent in "putting the Irish to good purpose into blood one upon another", a euphemism for practices of a Machiavellian and bloodthirsty character, which one does not associate with civilised Governments, unless one probes beneath the surface.[2]

This however, was a far more serious affair. On this occasion the Scotch Lords meant business, because they had money and the support of a European Power. There is no doubt but that Richelieu had given them supplies.[3]

If any Power challenges the naval control, exercised by these Islands over the Channel, it always seeks to foment internal upheavals, especially in Ireland. Richelieu's Secretary, Father Chalmers went backwards and forwards, dishing out doles where required, making great promises to indignant Scotch Gentlemen, dangling before them great hopes, if they only entered the fight against Popery, no doubt playing meanwhile a different card, when stout Roman Catholic lairds were to be roped into the conspiracy, of which many entered the ranks of the Covenanters.[4] "Their admitting of Popish Lords into their party", wrote Strafford, "will show what their religion is perchance to the holy brotherhood in England. And—if that for their hypocritical winking and wringing at their prayers, God hath not struck them stone blind—let them see that this is not a war of piety for Christ's sake, but a war of liberty for their own unbridled lusts and ambitions, such as threw Lucifer forth from Heaven and may, without their repentance, bring these to shake hands with those gainsaying spirits below".[5] "Non Olet" however, was the motto of these feudal gentry, when they drew Father Chalmers' subsidies, and, if his cash was good, why not the company of honest Scotch gentlemen, who only differed with them on points of theology, and were at one with them in a desire for a novae res? The moral support of France meant great things. Madame de Chevreux aided them at Court. Strafford flatly refused to believe her tale that she was a banished French lady, looking after the interests of the Spanish Government. He scented Richelieu in her activities and noted

1) C. S. P. 1626—186; 1627—217; 1628—426. 2) C. S. P. 1627—225.
3) R. P. II—821; O. C. I—89. 4) Dom. 1639—449; 1640—101; C. L. M. I—647.
5) Cowper M. S. S. II—227.

how Holland—"the secret head of the Puritan Party"—paid her many visits, and drew gloomy conclusions accordingly. [1]

With money, men and determination the Scotch Lords could do much in Great Britain. They could, however, effect more in Ireland. All over Ulster there were native gentry, scattered here and there, who had not prospered in the reign of peace. The ploughing of fields and selling of butter and eggs was not their forte. If men like Lord Maguire and Sir Phelim O'Neill, who had begun life with thousands of acres, were now on the verge of bankruptcy, it is to be feared many others of minor estates were the same. Here was a Province, containing many Celtic Catelines—sui profusus, alieni appetens—wondering how it came to pass that, while they faded away, meaner men, of mean exteriors and mean minds, waxed fat and insolent. The tradition that the Ulster anarchs were ablaze for confiscated possessions is, I fear, a poetic delusion. There were ten times as many Irish gentry in the Plantation area in secure possession of their estates, freeholders with none above them, as there were in the good old days of the Ulster Earls, who allowed very few freeholders, and only awarded those under them "a scrambling and transitory possession". It was the Plantation that saved and made the Ulster native gentry, and is worthy of note, that it was the fathers of Lord Maguire and Phelim O'Neill who had supported the Government to abolish the old regime, which the sons were now glorifying. The expropriated men were abroad on the Continent, driven out with the applause of the very men who were now eager for their return, seeing in exiled and indignant soldiers a medium for novae res et novae tabulae. The exiled chiefs were soldiers and had soldiers under them. The Ulster native gentry were in many cases men of peace, and possessions which they thought might be larger, and, being themselves forbidden to keep private armies, were not unnaturally beckoning to the roving bands on the continent.

Between the exiled chiefs and the Scotch Lords were many and innumerable ties. Ulster factions dovetailed into Scotch factions, but, in the Cave of Adullam, there is never dissension till the spoil is to be shared. These Northern and Scotch ramifications depended, not only on the common bond of reaction towards

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1) L. L. VII—425, 453; L. S. II—174.

autocracies, and against a central Government, but were cemented by traditional alliances. Old Sir Tirlough O'Neill, the kinsman and rival of Hugh O'Neill had married the daughter of a bye-gone Earl of Argyle.[1] In the last days of Elizabeth official dovecots were fluttered by the news that Hugh O'Neill's son was to marry Argyle's daughter.[2] Spenser has put it on record that "the O'Neills are nearly allied unto the Earl of Argyle, from whence they used to have all their succours of Scots and Redshanks".[3] One is accordingly not surprized to find Richelieu acting as an intermediary in a treaty between the exiled Earl of Tyrone and the Earl of Argyle, to be welded by marriage between Tyrone himself and Argyle's daughter.[4] To make doubly sure Tyrone despatched an energetic friar to Edinburgh who dwelt among the Lords of the Covenant, and to whom these stout Calvinists seem not to have been hostile.[5] It should be added that the combine intended to play the Liberty and Roman Catholic card in Ulster, and four simple-minded Roman Catholic Bishops were so excited at the prospect that they sent a pastoral to the exiled chiefs in Madrid, where it fell into the hands of Strafford's friend Hopton, and was in time despatched to the Deputy, who discretely filed it for future reference.[6]

An effort was made to stir up the Scotch settlers in Antrim and Down on the grounds of Liberty and Puritanism. It was however a very poor affair. Those who had prospered saw no reason to get excited. Lord Claneboys in private made pious and seditious remarks, but otherwise was discretely loyal.[7] He was a great "bringer in" of Scotch Ministers. They were usually farmers. Once they were ordained they were very generous with leases of the rectories to their patron, who in return at his table said "the Covenanters would be glorious to posterity", and in public administered the oath of allegiance to local Covenanters, reporting to Strafford those who refused to take it. Strafford prosecuted the offenders, and kept a sharp eye upon Lord Claneboye.[8] The multitude of labourers and emigrants were turbulent for a time, but Strafford adopted a simple remedy. Every man of standing was ordered to take the oath of allegiance. A few protested on

1) C. S. P. 1584—95. 2) Salisbury M. S. S XII—74. 3) Gil. 1—305.
4) Gil. 1—510. 5) C. P. II—80. 6) C. P. II—69. 7) L. L. VII—509.
8) L. S. II—382, 384.

the grounds that the oath of allegiance constituted an interference with political and religious liberty, but, after one or two were fined, the upheaval died down. The commonality were unable to act without leaders. The leaders—if there were any—had a great respect for their estates, and accordingly declined to rise out with the O'Neills as a protest against Popery.

The situation was not serious if Ulster was left to itself. Discontented elements there will be in every community, but in a healthy community these will be kept in awe by the prevailing content. The instantaneous collapse of the Down and Antrim emeute the moment it was tackled and the large numbers of Scotch gentry who petitioned Strafford to impose that oath of allegiance shows that in those Counties all was well. In the other Counties the same phenomenon appears. Strafford, whose intelligence department was very efficient, deliberately gave it as his opinion that, as long as things went well in England, the general good sense of the country and the general well being of the people would "hold the fretful realm in awe". Farmers, shopkeepers, and labourers who are doing well are not inclined to go to the slaughter house for ardent theologians or excitable adventurers. This view was expressed very candidly by an Irish soldier, Ulick de Burgh, to the Inquisitor General at Madrid, who requested him to return to Ireland and raise a civil war. "I will not", said he. "The Country cannot be easily drawn to arms, because they are well used. Its a vain thing and it would do much harm."[1]

The danger however was, not so much an emeute, as an invasion of mercenaries. All during this year both France and Spain were recruiting men in Ireland. These enlistments were in their way a serious danger. If the men served under a Power hostile to Ireland they might be launched some fine morning on the Irish shores, and, as the average Irish swordsmen had no political predilictions, if his commander was out for Irish blood, he would obey, provided he was paid and got his share of the loot. Strafford had made an arrangement with the Spanish Ambassador, whereby Irish levies were not to be placed under the O'Neills and the O'Donnells, he himself being allowed to nominate a few of their officers.[2] This was excellent as regards Spain, but it was

1) C. P. II—70. 2) L. S. I—94.

France that was now the enemy, and Irish soldiers enlisting in the French Army might at any minute be shipped across to Scotland, and from thence landed in the North of Ireland. As it was a shipload of Scoto-German officers on their way to Edinburgh was just intercepted in the nick of time. Coke captured a letter of Pierce Crosby's, now a Colonel in the French Army, addressed to a very rebellious Owen O'Sullivan. "I have a Royal warrant to transport 100 men, under colour of which you may transport 400. Your elder brother will discern what good may move thereby to his own house, whatever change or chance may hereafter happen. Keep this secret. Burn this letter."[1] This Owen O'Sullivan had a few years previously sent a message to the King of Spain that his area of Berehaven, not many miles from Crosby's compound, was an excellent base for an invading army.[2] If the O'Neills and Argyle landed mercenary troops in Ulster the whole situation would be changed. The O'Neills had been hankering after this for years. Argyle was determined to try it, especially because he knew—all men knew—that, if once Strafford's Army was held, England was at the mercy of the Scotch. There was another reason. Argyle had ambitions in North East Ulster. The Argyles always regarded it as their legitimate prey, just as the MacDonalds of Antrim always ambitioned the Western Isles. Peaceful penetration had done much for the Argyle party in South Antrim and Down. This party, however, felt themselves shut in and held. They were clamouring for Argyle to come, and Argyle intended to come with the assistance of the O'Neills.[3] He was held at bay by Strafford's mobilization at Carrickfergus. Nay his own territory was threatened from that base. When Strafford fell his legions came, but they came as enemies of the O'Neills, whose mercenaries arrived at the same time. Both then proceeded to convert Ulster into shambles.

When the English Ambassador approached the French King and asked him to give no aid to this extraordinary alliance, assuring that harrassed Monarch that the religious pretensions of this gathering were somewhat nebulous, he replied with feeling "ah, c'est seulement un prétexte que tous les rebelles cherchent pour couvrir les mauvais desseins".[4] Sir George Carew, thirty years

1) Cowper M. S. S. II—216. 2) C. S. P. 1625—1660 p. 303. 3) B. D. 1—206. 4) C. L. M. II—647.

before, had given the following summary of the political trend of thought. "The rebellions, in past times, have been moved for the most part upon particular quarrels, the weaker ever praying aid from the State. In all these tumults the greater part have ever served the State. The quarrel for which they will now rebel will be under the veil of religion and liberty, than which nothing is esteemed so precious in the hearts of men. They will never take arms until they be assured of the aid of some foreign Prince with a foreign army, paid and supplied by a powerful Prince. The natives' swords will then be at the throat of the English and Scotch planters in every part of the realm like the Sicilian Vespers". [1] These words were penned in 1614 and 1639 had now come. On one man and on one man alone rested the peace, prosperity and welfare of Ireland. As long as he could mobilize the hydra-headed multitude all these plots and counterplots were but the webs of vaccillating men, ready to cut each others' throats at any moment, united by no common purpose, save daemonic discontent, divided into thousands of units by "their particular ends". There was not a move they made that did not reach his ears in time, because he had the gift of making friends in very camp. "The rumour concerning the Irish to trouble us forth out of Spain I still hold a very fancy. Yet it will not be amiss to hearken after it. At my coming I will remove a good part of the Army into those parts. It is the wisdom of a general to apprehend an enemy rather stronger than weaker, yet so govern himself to the soldier as he shall rather undermeasure than overmeasure the enemy. With the assistance of the Army I shall be able to keep this kingdom going on a right wheel, and this I assume at the peril of my head. Nay I will say more, to do it with the contentment of the subject, notwithstanding all these lion's and tiger's teeth some are delighted to paint me withal. Quo quid crudelius fictum facilius creditur. I will march this army to the North. The ships should be sent to Knockfergus. By this means I shall raise such a rattle as shall occasion them to rest the less. I am confident by these false fires more to perplex and distract the Covenanters, amuse them, and spin them out this summer, and dissolve them through their own wants, distrusts, and discontentments among themselves. We, on this

1) C. M. S. — 308.

side, will make a shew, as if there were a present design from hence on the Earl of Argyle's country, thereby to amuse him and keep him busy, in defence of his own country, whereby he may be prevented from joining with the rebels in the South part of Scotland."[1]

Thus was the danger postponed, till doubting hearts across the water bungled their instructions, and flung him to the wolves. For the moment the need was men and money to prop up the embarrassed central Power in London, and avert an invasion of Ulster. "For levies of men", wrote Strafford, "there is little question. If there were cause the King might have as many as he pleases of this nation, were it an army of 40.000".[2] Money however, required a Parliament. Accordingly at the end of 1639 Parliament was summoned.

This Parliament met under very different auspices from the last. Strafford was in England, having gone over there some months before to face Loftus' appeal from his decisions. This time there were none of the doubts, anxieties, canvassings, and subterreanean negotiations. The Council were unanimous, Ranelagh having come over to the Deputy's side, Parsons discretely lying low, and Sir William St. Leger having become an ardent supporter of the new regime. As before it was intended to ask for six subsidies. The Council however, determined to give no cause for suspicions. "We found", they wrote, "that the number of six Subsidies—being the same with the former in the last Parliament—would leave some impressions with this people, as if six must be always unchangeably laid on them, and at no time less". A "cheerful" four and a resolution promising more, if required, they found, after some inquiries "from some leading men", would meet with a general acceptance. Strafford, on his arrival, gave his assent to this strategy, and anticipated being able to extract another four, if required, at any moment.[3]

When Parliament met he was still on the high seas, and Sir Wm. St. Leger proposed the adjournment till next day. Sergeant Eustace, subsequently Lord Chancellor was the Speaker, whose florid oration was printed in pamphlet form and distributed far and wide.[4] Strafford then addressed them. It was the first and

1) R. C. — 188; Cowper M. S. S. II —230, 231; L. S. II—420. 2) L. S. II—304. 3) L. S. II—394—396. 4) T. C. D. 646.

last time in his life that he over spoke to a friendly audience. Even in the old days, when he led the House of Commons, nine-tenths of his supporters were hostile to him. Between him and them there was a deep gulf. Where he aimed at abolishing abuses their object was a political revolution. Elliot, Pym and "all the brethren" listened very coldly to his counsels, and only followed him, because, for the time being, they were at one on the impropriety of forced loans. This was a different audience. Whatever may have been "the particular needs" of this man and that, there was no sympathy from one end of Ireland to the other with the storm that was sweeping over Great Britain. Here and there there may have been men or groups with aims and ambitions of their own, incompatible with the status quo, but the Ireland of that day had tasted two things, which England and Scotland had yet to experience. Not forty years had elapsed since the whole country was racked with civil war. Its tradition was still in their ears. Its evils were known to the older. Its aftermath was even still brooding o'er the land. No cry, however specious, no personality, however attractive, would, on a straight and direct issue, lead men back into that Gehenna. The country could drift into civil war as it did a year later—but a man who proposed in cold blood to "fly out" would get very little sympathy from the general community. England and Scotland, rotting with a long peace, no doubt saw in the wild words of wild and designing men something that was entrancing, leading towards a millenium. What was more for six years, for the first and last time in its career, Ireland had enjoyed the fruits of good Government and liberty. If prosperity is a sign of good Government that of Strafford's must have been very near perfection If liberty is the right to go one's own way at peace with and at peace from one's neighbour, and to enjoy the fruits of one's own toil it had been achieved. "What we have is our own", said Eustacel. "Every man has become a regulus of his own mole-hill".

An appeal from the King for aid for the preservation of this was not likely to fall on deaf ears. When the enemy were the licentious spirits of a discarded feudalism, and the rising forces of English commercialism, when the attack was camouflaged by the bigotry of Puritanism, which in some quarters had not even sincerity to support it, when the appeal was made in the person of

a Deputy, who was known to all, and who was a born master of the art of language, swaying men's passions with a concentration of hoarse declamation, furious scorn and passionate Royalism, whatever hopes men may have had of tampering with the Royal precinct of Ireland fell to the ground in one short afternoon.

"Everyone of them", says one report, "seemed in a manner to contend one with another who should show most affection and forwardness to comply with His Majesty's occasions, and all of them expressing even with passion how much they abhorr and detest the Scotch Covenanters". "Every man's hand aught to be laid to his sword in a quarrel such as this". "Let the King have a fee simple of our estates, even though it leave us nothing but hose and doublet". "Our hearts contain mines of subsidies". "Twenty subsidies were too little", "His Majesty is the best of Kings and we should show we are the best of his subjects". From every corner of the House there came a flood of phrases like this, and amidst a blaze of enthusiasm, the Subsidy Bill passed unanimously, accompanied by a resolution offering more when required. Amidst "throwing up of hats and lifting up of hands" they ordered the Councillors present "to tell this at once to the Lord Lieutenant", that such was their gift, that "we and others of this nation ought to have the honour of being employed in this expedition" in defence of "so sacred a Majesty from whose princely clemency, by the Ministration of the Lord Lieutenant everything promised in the last Parliament had been done".[1] The Journals of the House described the enactment more austerely as "the free, ready, unanimous, and cheerful consent of every member, not one man opposing".

This was indeed a triumph, and the Deputy—now a Lord Lieutenant—took care all his enemies should know it too. "Where are those now who say I am little beloved by these people?" was the tenor of all his letters, especially those addressed to Windebank to be read at the Council, amidst surly looks from Hamilton, Vane, Arundell, and Holland.[2] The resolutions of the Houses and their loyal address to the King he caused to be published broad cast pour encourager the English House of Commons to go and

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1) C. S. P. 1640 — 239; L. S. II — 397, 398; H. C. J. I — 138. 2) L. S. II — 304 — 401.

do likewise. A great feather in his cap was the preamble to the Subsidy Bill thanking the King for "providing and placing over us so just, wise, vigilant and profitable a Governor".[1] At his trial he was charged with having "procured" this testimonial and inserted it himself. Fond as he was of asserting his superiority over his rivals, he was fortunately gifted with too keen a sense of humour to compose his own testimonials. "I never", he said, "knew anything in the world of that preamble, never saw it, nor heard of it", which is very probable, as it was drafted in Dublin by the Council when he was in England, and, if he had in any way suggested it, Parsons and Ranelagh would have notified his accusers of the fact.[2]

Ireland was now the backbone of the Royal cause. There was a balance of £ 100.000 in the Exchequer. Four subsidies of £ 50.000 would bring in another £ 200.000. The clergy, whose interests were seriously threatened by this emeute, voted six subsidies to be paid in three years, which, with three subsidies already owing, made "the greatest gift that was ever given the Crown in our memory". The valuation of their livings they also agreed should be increased.[3]

This was a deadly blow at the Parliamentarian Party. The financial embarrassments of the King constituted their great weapon. The Jingoism of the Parliamentarians of that epoch was always actuated by that motive, ever clamouring for a war with Spain and a crusade for the Palatinate, in order that they might have the power of refusing supplies unless they got concessions. The most powerful plea for Pacifism ever penned in the English language is a letter of Strafford's denouncing a war with Spain, with this idea as the underlying motif.[4] Now the war for which they longed had come. The men and classes with "particular ends at the expense of the commonweal" were all agog with excitement at the prospect of a Parliament, which Strafford himself had urged the King to call.[5] They were bad enough in Ireland, but in England they were unblushing in their demands. When the Long Parliament was firmly established it abolished the palty imposition of ship money on the City burghers, substituted the

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1) C. S. P. 1641 — 265. 2) R. P. VIII — 126. 3) L. S. II — 402.
4) L. S. II — 60 - 64. 5) P. L. p. 22.

poll tax which Wat Tyler's rebellion had repealed, and pleaded the poverty of the realm, at the very moment when there was scarce a member of the House who had not rewarded himself with the Crown and Church Lands. This donation from Ireland suddenly aroused them to the fact that there was a very dangerous man looming on the political horizon, one who, up to this, they had regarded as a Colonial Governor languishing in exile among troublesome hill-tribes. "I am confident", said Laud, "the Court hatred against your Lordship was for raising that Revenue".[1]

Nor was it money only. This was March. In May 1000 horses, 8000 foot, 30 heavy guns and all the extra equipments of transport, by land and water, were to mobilize at Knockfergus. "To the quickening of their zeal", wrote Strafford to Windebanke, "I let them know I would go along with them myself, and if the game come to that I would be found amongst them, as near the strokes as any other man. I find they take it extremely kindly from me".[2] If Strafford had been wiser he would never have written that letter. There were men in the Council, faithful servants of the King too who did not like policies such as this. There were men, whose ancestors had been in this Imperial business, who were themselves the repositories of the Imperial tradition, and the corner stone of Imperial policy was that no statesmen however eminent, however wellintentioned, was to be trusted with a large body of Irish troops. The King might trust Strafford. Others did not. What if with this weapon he became the power behind the throne?. The age was the age of great adventurers. Other Irish Deputies had gone along this path of mobilization before, always giving excellent and patriotic reasons. It was enough to send a cold shiver down the spine of a man like the Earl of Northumberland, who was getting dubious as to whither the King was going, and what was the end in view. That letter should never have been written. Amongst strong Royalists it was suggested that Strafford should leave Ireland and become Lord Treasurer in England. Ireland was no place for him. Northumberland himself approved of the idea. So did Parsons and Ranelagh.[3]

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1) L. L. VII—480. 2) L. S. II—399. 3) C. L. M. II—604; R. C. —228, 229.

At the end of March he sailed away leaving the Army to Ormonde and the veteran St. Leger, one destined to become one of the greatest of the Irish Deputies, the other a man of great experience in these things. Strafford was now at the height of his reputation, the undoubted master of Ireland, basking in a blaze of popularity. His frame, however, was breaking under the strain. Gout and that terrible plague of mediaeval Ireland, dysentry, were upon him. When he landed at Chester he was all but unconscious, and greater tasks still lay before him. It was he who had advised the King to call an English Parliament. [1] It was he who was to manage that Parliament. He had to travel by litter. When he arrived in London, barely able to stand, the whole weight of years of mismanagement, the fury of factions and the confusion at headquarters, rose up before his weary gaze. To Radcliffe he wrote "The nearer I come to it, the more my heart fails me, nor can I promise unto myself any good by this journey". [2]

1) R. C. p. 187. 2) R C. p. 181.

CHAPTER IV

THE SHORT PARLIAMENT

> "There are moments in the fortunes of States, when particular men are called to make improvements by great mental exertion, In those moments, even when they seem to enjoy the confidence of their Prince and Country, and to be invested with full authority, they have not always apt instruments". BURKE.

The English Parliament had now to be faced. In one way it was an easier assembly for the Crown to manage than its Irish confrere. There is every trace of the existence of parties and groups in the Irish Parliament, before they appeared in the English. The feudal ramifications of Ireland, the hostility of the boroughs to the rural gentry, the sense of unity in the planter class, the political activities of the friars,—always seeking to create a party—made the Irish assembly more ready to form blocs and factions than the English Parliament. The latter assembly was a body of units till it had been sitting some time. Each member was elected according to personal influence, local considerations, and agrarian or commercial power, and those elections were held in a country, whose areas and classes for 200 years had never been driven by great stakes or sheer necessity to form combinations. The few reports of elections we possess give no sympton of what we call political issues. Strafford's and Radcliffe's electioneering letters, when they were both seeking election to the House of Commons, never mention political, religious, or economic issues. Lack of communications, scarcity of Parliaments, and the absence of politics, in the modern sense of the word, would account for this. Even the Long Parliament, which very quickly accomodated itself to the mentality of modern Parliaments, when first it met, displayed very little of the political spirit. While the pamphleteers

were furiously raging together and the theologians imagining many a vain thing, so little had Parliamentarianism and "preciseness" affected the constitutencies and the members, that the motion to examine Irish affairs for the purpose of indicting Strafford was only carried by a majority of 13.[1] The rise of parties and party spirit, and the domination of the Revolutionaries, who always made the privileges of the House their war cry, did not usually come into play, till the House had been sitting some time, till members got to know one another, were able to form parties, and discover formulas for common action. This is the significance of Charle's dictum that "Young Parliaments are always the most tractable". In the "Young Parliament" the tendency of members was to follow the official group, the one group that knew its own mind and spoke with an air of authority. No small part of the misapprehension of the history of the Short Parliament is due to the assumption that it consisted of two solid parties, Royalist and Parliamentarian, and that its outlook on life was similar to that of the Long Parliament, when it had been sitting some time. An official coterie there no doubt was. A "precise party" of Parliamentary Puritans there also was. All the authorities however of the period never speak of divisions and parties in the modern sense. They are at a loss to estimate accurately the opinion of the House. It can best be described as a large body of country squires and city merchants, called together for the first time in their lives, to debate on affairs of State, summoned for no other reason than because they were the chief men in their districts.

Each man in that House had "a particular end", a legitimate grievance or an ignoble ambition. Each man was the spokesman of some class in his area. Which ever side could offer them most, and persuade them that "Codlin was the friend and not Short" would carry the majority. Given an assembly of patriots, or saints, or fanatics other issues might predominate. Strafford however had one time dominated that House. The "bellweather of the flock", he was one time called. No man knew better than he what cards to play on both sides, and there is every evidence that, if he had had a free hand, he would have triumphed. We can detect in the preliminary steps the Straffordian touch. First a

1) R. P. VIII—1.

loan of £ 300.000 was raised from the King's faithful adherents. Then £ 400,000 was raised from the faithful Irish Parliament, which, with the balance in hands made £ 700,000. With this sum of money in his Royal purse the King did not come as a suppliant to the Parliament. He was in the same position as Strafford was when he called his first Parliament with a year's contribution in hand. The Parliamentary power of extorting concessions in return for subsidies was limited with every pound that came into the Exchequer. Royal affairs looked more promising now than when there was only £ 200 in the King's purse, and nothing succeeds with a large assembly more than success, and a nonchalant attitude on the part of those by whom it is approached.

The next step was to enforce ship money with an iron hand on all and sundry. Strafford was never an enthusiast on ship money. He defended it as he defended every Act of the Prerogative, but was this extension of the prerogative worth the uproar it created? If the subject could be made to feel this as the great grievance, if he could be induced to make it the great pound of flesh, the price of the subsidies, it could be graciously withdrawn in return for an annual grant, and the Crown would be no worse off than it was three years before, when Noy's legal researches discovered this method of raising the wind. As a preliminary concession, to put the purists in a good humour, Parliament was to be asked to pass the Bill for tonnage and poundage. In Ireland this was a statutory part of the standing revenue. In England, whether it was a possession of the King's or a gift from Parliament, was one of those points of constitutional law the rising Parliamentarians longed to argue. If subsidies were granted the Parliament would be asked to pass the Bill. If they were refused, tonnage and poundage could still be levied and no harm be done. Chancellor Finch was to be the King's spokesman on all Parliamentary affairs. He is best known to fame as the Speaker who was held down in the Chair in the previous Parliament. This may appear a strange qualification, but Finch, no matter what the "precise party" might say in public, was one of those affable men, who have no personal enemies. When the crash came he was, of course, impeached but, despite his ultra Royal utterances, and his ultra royal actions, the Parliamentarianswere unable to bring that impeachment to a finish. He had too many friends on all sides.

One valuable weapon fell into the King's hands on the eve of Parliament. An emissary of the Covenanters was captured, bearing an appeal for aid to the French King. The letter is worth quoting.

Au Roi.

"Sire.

Votre Majesté, etant l'asyle et sanctuaire des Princes et estats affligés, nous avons trouvé necessaire d'envoyer ce gentilhomme, le sieur de Colvill, pour representir A. V. M. la candeur et naiveté tant de nos actions et procedures, que de nos intentions, lesquelles nous desirons être gravees et escrites à tout l'univers avec un ray de soleil, aussi bien qu'a V. M. Nous vous supplions dancques tres humblement, Sire, de lui adjouster foi et creance et a tout ce qu'il dira de notre part, touchant nous et nos affaires; etans tresasseures, Sire, d'une assistance egale a votre clemence accoustumé cydevant, et si souvent monstrée a cette nation, laquelle ne cedera la gloire a autre quelconque d'être eternellement.

Sire

de V. M.

Les tres humbles et tres obeyssants et tres affectionés serviteurs. Rothes, Montrose, Lesly, Marre, Montgomery. Forrester. Laudon."[1]

For loyal subjects, simply protesting against the prayer book of Archbishop Laud, this was as queer a letter to write to a foreign Monarch as could possibly be conceived. Charles' intention was to read this letter to Parliament, ask them for instant supplies to deal with these rebels, grant them the concessions of tonnage and poundage, and promise them a second session with copious redress of grievances.

The plan of campaign depended on honesty, efficiency, and unity. It was the eternal misfortune of Charles to be badly served. If his agents had been Radcliffe, Wandesforde, and Dillon there might have been a different tale to tell. Charles' misfortunes were due to the fact that he employed the last remnants of the feudal aristocracy, men by tradition hostile to the Crown, men whom the Tudors would have sent to the scaffold on mere suspicion, men who could never forget that their ancestors had been the masters of the Crown, and that a turn in the political wheel might

1) R. P. III—1037.

bring them back once more to power. The "Great Ones" of England—there were very few left—were of the same mentality as those of Ireland and Scotland, and it must not be forgotten that these men were hostile to a Parliament. If it succeeded by a grant of subsidies to the King and a grant of reforms to the multitude, that alliance of King and commonality would once again be consolidated, an alliance which had overthrown the feudal aristocracy in the days of the Tudors, and which was the great obstacle in the path of the rising powers of squirearcy and bourgeoisdom. "This right understanding was as much the aim of Strafford as was the satisfaction of his other ambitions at Court".[1] Besides the "precise party", gambling on a revolution, there was this element in the very Court itself, in very high places, which looked sourly at this experiment. This is what Sir George Wentworth meant when he said "the calling of the Parliament in England was dissonant to the judgement of the Great Ones", and what Strafford was hinting at when he wrote "the moving for this Parliament gives me a good report with the multitude".[2]

The inner circle of the Council, the Junto as it was called, comprised Hamilton, Northumberland, Laud and Strafford, with Vane and Windebank acting in a secretarial capacity. Laud was useless in an affair like this. He was a man with very few friends, a multitude of enemies, and the less Bishops appeared at this time the better. Many a stout Royalist believed that if there were no Bishops there would be no trouble. Of Hamilton I have said much already. His claims alone to the Throne rendered him a most undesirable Minister. His undoubted hostility to Strafford, for obvious reasons, had been temporarily reconciled by the King, but Strafford knew the game he was playing, and it is very unlikely that Hamilton was ignorant of these suspicions. Only a year before Colonel Robert Stewart, the Governor of Culmore, had discovered that Colonel Alexandra Hamilton, who managed the Covenanters' armoury, had been procured a pension by the Marquis and "had his dependence on him". "God pray that those that his Magesti trostis is fathfoll" was this shrewd Scotchman's comment.[3] Only a few months before Traquair, Hamilton's

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1) Sir Philip Warwick Memoirs p. 147. 2) R. C. — 187, 228. 3) L. S. II — 277.

colleague in the Scotch embassy, had approached Strafford through Sir Philip Warwick, and offered to expose Hamilton, if Strafford would take the responsibility of accusing him. Strafford however, shrank from the task. To attack the King's favourite required better evidence than Traquair could produce.[1] Nor was this all. At the height of this Scotch revolt, the Covenanters despatched to London a clerical firebrand with copies of the Covenant for pious courtiers to swear. The King ordered his arrest. He escaped in time. The good man subsequently wrote his memories. In them he relates that it was Hamilton who gave him warning.[2]

The Earl of Northumberland is in a different category. He also was too powerful a subject to be employed. It should be remembered that a party one time sprang up with the idea of marrying his father to Lady Arabella Stuart, so as to combine both claims to the throne, and on the basis of this alliance create a political vested interest[3] Men in a position like this are singularly hard to work with. Both the Tudors and the Stuarts had as much difficulty in reconciling their independence, "particular ends", and occasional truculence with State policy, as a President of a loose confederation of States has of preserving unanimity in the face of some hostile Power. Relations between Northumberland and Strafford were friendly on the surface, chiefly through the agency of his sister Lady Carlisle, who was a firm supporter of the Lord Lieutenant. She was of great value to him as a kind of salient in the section of the "Queens side", sometimes no doubt giving him the clue to the operations of Holland's cabal. In return he managed her financial affairs, and he seems to have been very anxious to retain Northumberland on the King's side. Ever since the outbreak of the Scotch business, however, Northumberland had been growing colder and colder towards the King's side. At the very beginning he wrote to Strafford a letter very cautiously worded, but certainly conveying the idea that the King should give way. A man in his position was well aware that this was nothing but a feudal revolt, similar to Hugh O'Neills' rebellion in Ulster, incapable of pacification by alterations in the liturgy, to be dealt with only by force,—the bursting of a storm that had been

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1) Sir Philip Warwick Memoirs.—140—141. 2) J. L.—102 3) Thomas Wilson. State of England. 1600.

gathering ever since the accession of Charles. There is underlying the letter a suggestion that Strafford should join him in forcing on the Council the policy of "giving them their own conditions for the present", after they had held a Parliament in defiance of a Royal dissolution, adopted a policy of riot and violence, and generally behaved after a manner, which, if yielded to, would have only lead to a second emeute, and would have infected the two other Kingdoms.[1] Though Admiral of the Fleet Northumberland kept out of the first campaign on the plea of sickness. It is significant that the same plea was made successfully on the eve of Newburn, when he was Commander in Chief. Strafford's reply was characteristic. Employ the Fabian tactics of delay, and in the interim organize an army. As for money "every good man will give it".[2] At this stage however, Northumberland had just received a serious rebuff. On the rumour of Coke's resignation he put forward as his successor his kinsman Leicester. Strafford promised his assistance but it is worthy of note that the practical Lord Lieutenant always warned Northumberland that success was doubtful.[3] The post of Secretary, the responsibility of dealing with State despatches, was always reserved for one of the middle classes. Northumberland later approached the King through the Queen. "No." coldly answered the King "He is too great for that place. I intend to have none of that quality near me. It is a rule I have always set myself".[4] Hamilton's nominee Vane, was appointed instead, and what made Northumberland all the more angry was that the Queen had helped Vane in order to please Hamilton.[5] Northumberland had no love for Hamilton. He one time described him as "the most dangerous person in England".[6] All during Strafford's trial there is evidence that he was threatening to turn King's evidence if Leicester was not made Lord Lieutenant of Ireland, and, in the end, he "resolved to see what he could do" by throwing in his lot with the Parliamentary leaders, as, so he candidly told Leicester—"by other means it cannot be obtained".[7] On the eve of Strafford's execution some Royalists formed the idea of rescueing Strafford from the Tower. When the plot leaked out Northumberland gave the whole game away by

1) L. S. II—186. 2) L.S.II—192. 3) C.L.M. II—611, 619. 4) C.L. M. II—665. 5) C. L. M. II—634; C. H.—72; Dom. 1639—40—460. 6) C.L. M. II—654. 7) C. L. M. II—665, 666.

sending to Pym a confession made by a relative of his, who was one of the conspirators. Charles' failure to arrest the five members was also due to the disclosures from the same source.[1] From 1641 to 1647 Northumberland was a persona grata with the Parliamentarians, acting on the Committee for Irish affairs. He was the only one of the King's ministers—except Vane—whose deposition the Parliamentarians did not demand. In fact, at one time, the Parliamentarians had a vague idea of declaring the young Duke of Gloucester King, with Northumberland as Lord Protector. The very suggestion of the idea causes one furiously to think.[2] One is bound to draw the conclusion that, while Hamilton was intriging with the Scotch, Northumberland was not so hostile to the Parliamentarians, as a simple outsider would consider a great Court personage should be. All his letters during the sitting of the Short Parliament display a gloomy satisfaction at the possibility of its failure.

Sir Henry Vane, though not of this rank, achieved a certain degree of fame in this Parliament, because he acted as the King's spokesman in the Commons durings its session. He had been Hamilton's fidus Achates during that nobleman's Swedish activities. Between him and Strafford there was no love lost. A contemporary letter gives a startling revelation as to what small things vex the small minds of great men in great places. "The Court, as it is generally taken notice of, is divided into a double faction. The Lieutenant General goes on still in a close high way. Sir Henry Vane marches after him in a more open posture. Some wise men marvel why his Lordship should so palpably affront—that is the word they use—Sir Henry Vane—to take the barony of Raby over his head, who was capable of the honour, and, as 'tis said, pretended unto it himself. Most certain it is there is a fiery feud between them".[3] It is more probable however that the feud was of an earlier date. Vane was a leading light on "the Queen's side", and, as we know, that party had thrown in their lot with Clanricarde in his opposition to the Plantation of Connaught. "You do not want friends at Court", Windebank had written to that angry nobleman. "Amongst them Mr. Comptroller Vane, who often expresses his desire for your welfare to the King".[4] This letter

1) C. H. I—154; Burton Diary III—93. 2) Lords Journals VII—279, 327.
3) Dom. 1639—40—436. 4) C. S. P. 1625—1660 p. 360.

came into Strafford's possession, and, we may be sure, did not improve his relations with Vane, especially when there is direct evidence that a signet letter, exempting Clanricarde from contributing to the Connaught Plantation, was procured via Vane and Windebank. [1] Sir George Wentworth says that the intrigue between the Castle officials and Strafford's Court enemies began at the summoning of this Parliament, Vane being the intermediary, and it is significant that, among the English State papers, lies a letter from Ranelagh to Vane, the first after a silence of 20 years. "I shall hold myself secure", wrote Ranelagh, "when, by your direction, I shall render you an account in what you think fit to command". [2]

Such was the King's spokesman in the Parliament that was to make or mar Strafford. During its session, as we shall note, on two occasions, at any rate, Vane and Strafford were at loggerheads, and Strafford had no hesitation at a later date in accusing Vane of being responsible for the premature dissolution of that Parliament, an accusation which drove Vane to retaliate with historic effect.

On April 13th this Parliament met. Strafford had not yet arrived. He did not appear at Court till the 19th and even then he looked "but sick and weak". [3] Lord Keeper Finch addressed both Houses in the King's name and in the King's presence. The gist of his speech was that the Scotch Lords had declared war, that they had appealed to the French King for aid, and that the King required subsidies for an Army. "Parliament should have longer time the next winter to do their own business, when he should expect further aid". Finch further added that "as his Majesty knew when to show mercy so he should also know when and how to punish his rebellious subjects. Therefore he would not have his subjects to intercede on behalf of the Scots". Tonnage and poundage would be drawn into a Bill for the Commons to pass. The House of Commons was then dismissed to make a choice of a Speaker. An eye-witness noted a certain restiveness among the Commons, and ascribed it to the question of ship money. [4]

This was an omen of good augury. If the Commons could be diverted from the vague formulas of religion and Parliamentary

1) Dom. 1639 — 30. 2) Dom. 1640 — 266; R. C. — 228. 3) Dom. 1640 — 59. 4) Dom. 1630 — 33.

privilege—formulas that could be debated ad nauseam, and were the only bond between the discontented groups—a large break-away from the Revolutionary Party would be anticipated, if this question were settled. A second good omen was the choice of the Speaker, chosen as Vane told the House, "freely among ourselves and not by the King appointed". He was Sergeant Glanville, who, at a subsequent stage, "rose up and, in a most pathetical speach, endeavoured to persuade the House to comply with the King's desire". [1]

The "precise party", led nominally by Pym, immediately raised the question of grievances, and, as anyone would have foreseen, in the end carried the House on the broad issue that grievances should precede supply, any other course being "dangerous to posterity". [2] Finch seems to have overdone the interpretation of the Scotch letter to France. By itself it was significant enough, but the gloss he placed on the initial phrase "au roi", as if the revolters were tendering allegiance to the French King, gave "the precise party" a debating point, of which they were not slow to avail themselves. [3]

The Court were flabbergasted at the turn events had taken. "We are all breaking to pieces here in our Parliament", wrote Northumberland. "The lower House resolve not to supply the King's present occasions, until they have first presented their grievances". [4] When Strafford arrived on the 19th he found his opponents loud in his condemnation at having called a Parliament which gave the King such a rebuff. There is no evidence that Strafford ever promised that Parliament would vote money without making terms. Not even in Tudor times had it ever committed such an Act of political suicide. An old Parliamentary hand, such as Strafford was, would have easily foreseen that every group in the house was straining every nerve to further its "particular ends" at a crisis like this.

There were two lines of policy open. One was to intimidate the House by a flutter of Royal independence, a threat of dissolution without Acts of Grace or concessions, a threat which would no doubt bring to heel many an independent member, who had

1) C. H. 1—78. 2) Dom. 1640—39. 3) Commons Journals II—3. 4) Dom. 1640—71.

boasted to his constituents of the great concessions he would extort. The second line of action was to buy off the larger groups.

On the 22nd the former line of action was partly adopted. On that day Convocation, at Laud's instigation, unanimously voted the King six subsidies.[1] This vote, of course, was a foregone conclusion, but the unanimity was a serious blow to the Parliamentarians. In Convocation there were clergymen of a Puritan trend of thought, subsequently great figures in the Revolution. That these should have raised not a solitary murmur about "innovations in religion" took the wind completely out of the sails of "the precise party", who were straining every nerve to make religion the great and only grievance of the subject, as the one common formula, on which they could weld together an opposition to the King for any length of time. This meant more money in the King's purse, more allies on the King's side, and further accentuated the isolation of the "precise party".

In the meantime it was obvious that ship money was the one dominating grievance. No doubt it was the one subject that was vexing the minds of the inland boroughs. Strafford's intention was to purchase supplies by conceding ship money. Finch's speech to both Houses on the 21st hints at this coming concession, a concession all the more important as Harbottle Grimstone had been "insisting only on the business of ship money" which showed the first rift in the opposition, and the character of the first group that would break away.[2] Next morning Finch let drop another hint to the Lords. "If the House of Commons fail in their duty, His Majesty does not doubt but that your Lordships will concur with him in his preservation".[3] Strafford was now aiming at a threat of an appeal to the nation, through the Lords and the Church, over the heads of the Commons. If the appeal had to be made the City Burghers would know who to blame for the continuance of ship money.

The Commons in the meantime were distracted with a series of wrangles on Religion and Parliamentary privilege, with ship money, feudal dues, and monopolies looming in the background. On the 24th the "precise party", with considerable skill, drafted

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1) Nalson II—36; Dom. 1640—76, 77. 2) C. H. I—76; R. P. III—1138.
3) Lords Journals. IV—63.

a resolution, containing every grievance every group could entertain, carried it in a not unnaturally willing House, as heads for a debate in a joint conference with the Lords.[1] Mr. Gardiner, who has been at considerable pains to trace the cross currents in this Parliament, states that the resolution was accompanied by a declaration that "till the liberties of the House and Kingdom were cleared they knew not whether they had anything to give or no".[2] The Journals of the House give no such declaration of war. Such a declaration viz: that Parliamentary Independence was a sine qua non, would have involved an instant dissolution. How many members who had only a particular grievance against a particular monopoly, how many country squires solely animated by an objection to this or that feudal imposition, how many burghers, whose sole business in that Parliament was to abolish ship money, would the "precise party" induce to surrender all hope of these reforms till some distant day, when the House of Commons would rule England? Truly the surrender of all these "particular aims" was a pretty price to pay for the possible vague and nebulous boon of the rights of an assembly, which seldom met, and in which they themselves had a very fleeting interest. There is no trace of such a resolution on the Journals of the House. All parties are agreed that the demeanour of the House was singularly reserved and moderate. Clarendon, Sir Philip Warwick, May, John Lilburn and Whitelocke have put it on record that it was not seeking for a breech. St. John, who was the real leader of the Revolutionaries, regarded this Parliament as useless for his purposes. "This Parliament", he said, "would not do what I and my friends thought necessary".[3] The resolution on the contrary was worded "that we shall consult with the Lords to prevent"—then follows a list of grievances,—"the better to give a present supply to his Majesty".[4]

Strafford however was determined that the Lords were not to be drawn into this whirlpool. That night a Council meeting was held.[5] His advice to the King was to go down in person to the Lords, and, before this resolution reached them, carry a resolution that supply precede grievances in the Upper House. It required courage. Lord Saye and Sele had been waving the flag of Puri-

1) Commons Journals. 11—11, 12. 2) Gardiner. History of England. IX —108; Harl. M. S. S. 3,931 fol. 476. 3) C. H. 1—80. 4) Commons Journals. II—10. 5) Dom. 1640—78.

tanism with great effect, At one moment the Lords were on the verge of censuring a Bishop. "I perceive", Northumberland had written, "our House is apt to take fire at the least sparkle". [1]

On the morning of the 24th the King entered the House of Lords so unexpectedly that they had not even time to don the traditional robes. The deputation from the Commons were actually on their way to the upper Chamber when they were sent back with the order that "their Lordships were busy, the King, being there present". [2] "My Lords", said the King, "instead of preferring my occasion they have held consultation of innovations in religion, property of goods, and privileges of Parliament, thus putting the cart before the horse. . . . . I desire your Lordships will not join with them, but leave them to themselves". [3] The King then left and Strafford took up the cudgels. The effect was instantaneous. Out of a House of 86, 61 voted for supply and only 25 for grievances. [4] The resolution of supply before grievances was accompanied by a manifesto, which was all that the heart of the most ardent Royalist could desire. All hope "the precise party" now had of exploiting the individual grievances of the peers, their feudal dues, depopulation and forest encroachment fines, was gone for ever. If there was to be a breech, it was the Commons alone and unaided who would have to bear the responsibility of having deprived certain classes of the community of the Acts of Grace they anticipated when Parliament was summoned. Holland gave a silent vote for the King,—being one of his Ministers—and left in disgust. Lord Newport described his colleagues as "fit for slavery".

The "precise party" had now received their first check. All hopes of assistance from the Lords were at an end. On May 1st a division was taken on a very favourable issue, whether or no the House of Commons should take note of most unconstitutional language on the part of a clergyman, the effect of which was that the King could legislate on religious matters without consulting the Parliament house. Over 140 out of 400 members voted against the "precise party" on this issue. [5] If, on both religion and Parliamentary independence, such a solid party were against Pym and his wire-pullers, how many votes would he muster on a division

1) Dom. 1640—42. 2) Commons Journals. II—11. 3) Lords' Journals. IV—67. 4) Dom. 1640—39. 5) Commons Journals II—18.

against subsidies with concessions? This is the only division that occured in this Parliament, and it reveals that nearly a third of the House, either had no objection to a Bishop haling the King as a religious dictator, or did not think the House was called on to interfere.

The Opposition on April 26th started a new point that the House of Lords had invaded the privileges of the House by "touching on matters of supply before it moved from the House".[1] The Lords however returned a soft answer. They pleaded that all they had done was to give an opinion on a question put to them by the King. Then they hoisted the opposition on their own petard by "producing a record in Henry IV's time for their warrant, which record the Commons pretended a week before to make more for their privileges in that very particular than for the Lords of the Upper House".[2] This took the sting out of the attack.

The moment had now come to put matters to the test. The omnibus resolution had exhausted the question of grievances. The refusal of the Lords to touch it had left it suspended in mid air. It had however done something more. It had put a veto on the innumerable Bills, the opposition had carried through, with the intention of refusing subsidies till they had got the Royal Assent. The majority of these Bills dealt with minute and obscure points of ecclesiastical discipline. The alleged breach of privilege had proved a broken reed. A desperate effort was made by the Opposition to challenge the legality of ship money, and to prove that the King had no right to collect it. The object of this move was to minimise in advance the value of its remission, which they dreaded, by showing it was no real concession at all.[3] This strategy was pending and in embryo, when, on Saturday May 2nd, the authorities determined to put matters to the test, and to let the House know that further delay meant a dissolution, and with a dissolution farewell to all hopes of their "particular ends". The day before Strafford had distinctly announced this policy in the Lords. In the House of Commons Vane blandly informed all and sundry that "a delay is as destructive as a denial", and from a denial many shrank.[4]

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1) Commons Journals II — 13. 2) Dom. 1640 — 109. 3) Commons Journals II — 16. 4) Commons Journals II — 19,

Vane's message had the desired effect. Apart from all considerations of the reforms thus lost, we may be sure there were many men in that House who had qualms about refusing money to the forces of law, especially when it was the Scotch who had taken the initiative by attacking the King's soldiers a week before, the first blow being a great and effective point, which Strafford had always urged the King he should allow the Scotch to take, knowing the traditional English attitutde on such points. "It seems to me a tender point to draw blood first. I would not have them, with the least colour, impute it to your Majesty to have put all to extremity, till their own more than words enforce you to it".[1] Grievances, petitions, privileges, all that olla podrida of minute and varied points, which the Opposition used to raise to catch a vote here or a vote there, were silenced. Men had too much to lose, if the Parliament were dissolved, and the onus of dissolution lay on them. The House resolved itself into a committee "to take into consideration the King's present message". The issue was now knit.

All day the debate raged furiously. When the House dissolved it despatched the three Councillors "to acquaint his Majesty that for the difficulty of the matter debated there shall be further time granted to the Committee till Monday morning at eight o'clock".[2] Rushworth however who was present says that the debate circled round the great question of "whether supply or grievances should have precedency, but, after the whole day was spent in debate, (they) came to no resolution.[3] A short time before the House was adamant on the point that grievances should come first. The threat of dissolution, the whispers of ship money, and the action of the Lords had now made it an open question. The probability is that the Borough members were ready to stampede. Rossingham says that "the sense of the House" was still "to have grievances in religion and commonwealth taken away first", but it is obvious that no longer were men as sure of that attitude as they were a week before. On Sunday morning the Council met. The loca classica for that meeting are some queries of Strafford's in the Radcliffe correspondence, his reply to the pleadings on the

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1) L. S. II—314. 2) Commons Journals II—19. 3) R. P. III—1153.

23rd article before his trial, and some hints in Clarendon's History and Sir Philip Warwick's Memoirs.[1]

Strafford's advice to the King was "to lay down ship money and to give way the judgement in the Exchequer might be reversed by writ of error before the Lords". The advantage of this method was that it involved no Royal recantation. The Lords would be sure to reverse the decision. To this the King agreed. He then advised that the number of the subsidies be left on open question. Vane was up in arms at once. The King replied "I fear less would not serve my occasions". "Put yourself on their affections for your supply. Your offer to the Commons should not be conditional" was Strafford's reply, and as he sat down he muttered "I wish they would give but six". It was Burleigh's advice again to Elizabeth "win hearts and you will win hearts and purses". The King yielded and Vane was ordered to "to signify so much as occasion should be offered". This account, handed down in Strafford's handwriting, was never challenged. Clarendon and Warwick both seem to have heard a rumour of this arrangement. At the trial the Prosecution took very good care to drop this question of the Short Parliament, though a few weeks before they had inserted its dissolution as a charge against Strafford. [2]

The next morning the House met. Vane read out the Royal message. Ship money was to be laid down "by any course that yourselves shall like best". The session was not to end with the grant of the subsidies but the House was to continue for "as much time as may be now", and was to meet again at Michaelmas. The number of the subsidies demanded was twelve.[3] Someone had been tampering with the decision of the Council. Two alterations had been made. The continuance of the session was one of those empty compliments which effected nothing. All that members wanted to know was how much they were to pay and how much they were to receive, and not when they were to meet, after having paid. That the House was to decide how ship money was to be repealed opened up at a distant date some pretty complications, far different from Strafford's simple method that involved no regal recantation. This futile extension

1) R. C.—233—235; R. P. VIII—29; C. H. I—79—80; Sir Philip Warwick. Memoirs p. p. 146—148. 2) R. P. VIII—72. 3) R. P. III—1154.

of Strafford's policy was far more likely to lead mischief than to gain votes. The declaration that twelve subsidies were required was certainly ominous. Hampden almost immediately proposed that the question be put whether the King's request "as it was contained in the message" be granted. This motion was significant, coming from the source it did. Hampden was the patron saint of the Borough opponents of ship money. Hyde did not care to risk a division on such an issue. He proposed that the question be put whether supply be given. Some would vote for this, who might be reluctant to vote for Hampden's proposition. Glanville who had spoken "more bitterly against ship money than all those who had spoken against it",[1] made a rare incursion into the debate, and spoke strongly in favour of instant supply. Writing some years afterwards May, the official apologist of the Opposition, was emphatic on the point that, as proof of the absence of revolutionary feeling in the House, "notwithstanding they perceived that the money they were to give the King must be employed against their own interest, yet they took the question of subsidies into consideration".[2] Whitelocke says "the House was generally inclined to have given no usual or lean gift viz the gift of six subsidies", exactly the number that Strafford anticipated.[4] Even on the question of ship money opinion was restrained to the mere point of getting it amended. At an earlier stage Mr. Peard, who called it "an abomination" had to "stand in the middle of the House and acknowledge that he had offended the House".[4]

Thus far had matters progressed from the time when the House would not listen to the question of supplies till a vast litany of theological and constitutional points had been solved. The question now was on what terms the money could be extracted, and not whether it could be extracted at all.

During the debate the inevitable question arose as to whether less subsidies would satisfy the King. Vane bluntly stated that if twelve subsidies were not given "the supply would not be accepted by the King, and he therefore desired that question be laid aside". Warwick says this "put a general damp amongst them". Clarendon says "the other Privy Councillors were much displeased

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1) Dom. 1640—153. 2) May Histery of the Long Parliament p. 40.
3) W. M. p. 34. 4) Commons Journals II—9, 10.

at the Secretary's avowment". John Lilburn says "It put the Commons in a heat". [1] Whitelocke blames Vane severely. [2] The debate dragged on, and in the end stood adjourned. [3]

Strafford's advice to the King to "put himself on their affections" had been disregarded. Of one thing we may be sure and that is that Ship Money, the right to fix the subsidies, and the hope of getting off cheaply would have made a great hole in that majority of 109 Pym had polled on the question of the unconstitutional clergyman. An eighth of the House—55 members—had only to transfer their votes to carry the subsidies. Glanville, Grimstone, and Hampden had already come over. Sir William Saville had declared that he "did not care how many subsidies were given, so that grievances of ship money were taken way". This utterance naturally caused protests amongst his rural colleagues, who had not come into the combine for this at all. The Squirearchy, as soon as they saw that the Boroughs were breaking away, demanded the repeal of the ancient feudal dues and stated that they would be satisfied with that. [4] The Revolutionary Party was fast breaking up. An onlooker says "the sense of the House was that not only ship money but also all military taxes should be provided against before that 12 subsidies were granted". [5] The gloomy Northumberland also noted the sudden jump into prominence of these two issues, religion and liberty taking a very back seat. "These", he says, "were the main ones they complained of". [6] In twenty four hours "grievances in religion and commonwealth first" had been whittled down to ship money and feudal dues first, the reform of the English Church, the alteration of the constitution, monopolies and a multitude of other grievances being jettisoned from the craft of the "precise party". The desertion of the Lords, the threat of a dissolution, and the offer of Ship Money had achieved this. Would the reduction in the subsidies have brought the Borough members to desert the combine? In any case how long would the Borough members remain true to Pym for the sake of enabling the squirearchy to escape their feudal rents? To give the squirearchy their dues was impossible. These were the rents they were supposed to pay for their lands, the terms on which they

1) John Libburn "Resolved Man's Resolution". 2) W. M. p. 34. 3) Commons Journals. II—19. 4) Dom. 1640—153, 155. 5) Dom. 1610—40. 6) Dom. 1640—115.

had held them for centuries, and, if the Parliamentarians expected to pick a quarrell with the King on that issue, to risk the national existence because country landlords grudged the dues their ancestors had always paid, they must have been singularly poor politicians. After Vane's refusal opinion obviously hardened, but even still anyone with a knowledge of public assemblies, after an examination of the facts outlined will realize that a healthy bloc of votes, which had hitherto been with the "precise party", if it had not stampeded already, was on the verge of so doing. Certainly the Borough members had no incentive to risk their ship money for the sake of the squirearchy. Even still, there was a hope that, if the King disowned Vane, and "put himself on their affections", he might stampede the Assembly, and leave "the precise party" and the squirearchy alone in their glory in the chilly shades of isolation and defeat.

That night Vane "got at" Charles.[1] The gist of his discourse can be gathered from the following letter written early next morning and subsequently intercepted. "Our Parliament has yet settled nothing. They are this day about to petition his Majesty to hearken to a reconciliation with you, his subjects of Scotland".[2] The writer was a Covenanter agent, of whose activities the Government did not get to hear till the following autumn.[3] A confidentialprecis among the official documents shows that the Government were, in or about this date, in possession of information that Pym, after negotiations with the Scotch Commissioners, was to be put up next morning to move for peace and no war.[4] Subsequently Rossingham, whose correspondence with Conway, is the locus classicus for the events in this Parliament, ascribes a subsequent search, made among the papers of certain members by the authorities, to a desire to find out if these members had been endulging in such illegitimate negotiations.[5] Sir Philip Warwick ascribed the subsequent dissolution to the fact that "the Court were impatient" of a threatened motion in the House to demand a reconciliation with Scotland. We may assume also that lugubrious views were expressed on the question of supplies, views, which could quite easily be entertained by many an honest man, while

1) John Lilburn. Resolved Man's Resolution. 2) Dom. 1640—119. 3) Dom. 1640—563. 4) Dom. 1640—144. 5) Dom. 1640—153.

the country members were boisterously demanding their feudal dues.

Early next morning at seven o'clock a Council meeting was summoned. Strafford "being sick" arrived late. Laud mistook the hour and did not arrive till Cottingdon was giving his opinion. The Earl of Berkshire whispered to Strafford, as he took his seat, that the King's mind was made up already. Parliament was to be dissolved instantly. Strafford immediately "besought his Majesty to hear the advise of his Council, and first of those that were members of the House of Commons". Windebank was dubious. He "feared the House would first be answered of their grievances" and recommended a dissolution. Vane however was emphatic, speaking in "opposite terms". "There is no hope", he said, "they will give the King a penny", and he voted "absolutely" for a dissolution.

This summary of the situation we know now was untrue. All authorities agree that the House would have given money for ship money plus feudal dues, and the only point at issue was whether or no they would give the money or less money for ship money without the feudal dues. Windebank seems to have thought they would have demanded the feudal dues. Vane however was obviously adamant on the point that no concession would extract money. The question of twelve subsidies or the reduction to eight was never mentioned. Vane and Windebank avoided the point.

After all this was over, one by one the Lords of the Council voted for a dissolution. Two voted for another effort. One was Holland. He, no doubt, had an eye to future eventualities, and wished no man to say he had terminated a Parliament. We know that he dreaded this Parliament. It was now being dissolved by others. He could afford to vote for its retention, knowing that he was in a minority. Northumberland—mirabile dictu—suddenly woke up to the impropriety of a dissolution, Northumberland who had, all this time, been urging and insisting that it would prove a broken reed.[1] To Conway, he wrote that afternoon, "Had they (the Parliment) been well advised I am verily persuaded they might in time have gained their desires, but they in a tumultuous and confused way went on with their businesses.

1) L. L. III – 284.

which gave so great offence to His Majesty that this morning he has dissolved".[1] The brain reels at the significances which lies behind this letter. No one would dream that the author had sneered at the Parliament from the beginning, and suddenly veered round and voted against its dissolution, hinting the while, that the King was not blameless. It is so subtly worded as to mean anything or nothing. It should never be forgotten that the letters of these men were nearly always written with a purpose.

When Strafford's turn to speak came, he voted for dissolution "sans phrase". It was not till afterwards that he learnt what had occured. In his reply to the pleadings on the 23rd article he wrote "The Earl of Strafford, conceiving his Majesty's pleasure to have eight subsidies had been delivered to the House of Commons by Mr. Secretary Vane, did, in His Majesty's turn, deliver his vote for breach of Parliament, which otherwise he would not have done, it being contrary to what he resolved when he came thither".[2]

One thing is clear. The question of the possibility of Pym demanding a pacification was never laid before the Council. Laud never mentions it. Strafford never mentions it, either in his reply on the pleadings, or in his "queries" as to what occurred, queries obviously addressed to the King or some of his colleagues, as a preliminary interrogatory on which to base his defence to the charge that he had forced a dissolution of Parliament. Clarendon obviously never heard of the rumour of a pro Scotch resolution. Sir Philip Warwick had heard a whisper that this danger had something to do with the dissolution. He, however, ascribes the apprehension to "the Court" and not to the Council, nor were the proceedings at this Council so secret as to conceal this apprehension from the gossips and historians. Three weeks later a special commission was sitting to inquire as to how everything that was done in the Council Chamber had now become public property.[3] May confesses that the Scotch had sent a petition, whether to Parliament or "the precise party" he does not state. He treats it as a normal action, and never associates the dissolution with such a well known incident. "Whether the Commons were not quick

1) Dom. 1640—115. 2) R. P. VIII—29. 3) Dom. 1640—222.

enough in granting, or the conditions were too much feared by the King, I will not judge, but only relate what occured".[1] The only evidence we have as to the existence of an apprehension of a Parliamentary demand for peace lies in these few confidential documents in the Calendar of State Papers, and Sir Plilip Warwick's statement that it was apprehended by "the Court". It was obviously never laid before the Council. If it had been we can easily guess what Strafford's advice would have been. Vane would have been ordered to take the same stand that he took on the question of reducing the subsidies. Then he was able to demand "that that question be laid aside" and the House obediently agreed. If Pym had persisted the Government could have threatened him with a dissolution. A dissolution was what the members dreaded. One has only to read the petitions to that Parliament to see what the Country expected to gain from it. If Pym had even still persisted, the Government could have forced a division on some non-committalpoint, and thus learnt their own strength. If they were defeated they could have spun out the debate and dissolved the next morning, and the onus of dissolution, the onus of the rejection of those petitions from all over the country, the onus of the failure to repeal Ship Money would have lain on the shoulders of the Parliamentarians. Certainly this rumour—and it was for all they knew but a rumour—was nothing of which to be afraid, especially at this moment, when the Parliamentarian caucus was on the verge of dissolution. Clarendon says that the King subsequently tried to recall Parliament by Proclamation, but the judges said it was impossible.

It is obvious that, behind the backs of the Council, some mysterious Court influence was at work. The King was very susceptible to what is called pressure. He was a suspicious man, an obstinate man, and a very reticent man. He trusted no statesman for long,—for which he is not be blamed in the atmosphere in which he lived—and there is no evidence that at any time he trusted Strafford. "The King", one time wrote Laud, "hath very good thoughts of you and sometimes good expressions too, yet I cannot deny but they shrink in somewhat too much when the Queen, Hamilton, the Earl Marshall, and Holland move

1) May History of Long Parliament p. 38.

or set upon them".[1] It is obvious that Charles was opposed at the beginning to any reduction in the number of the subsidies, and Charles was just the kind of man to hark back to a discarded policy, simply because he had once entertained it. It is obvious that Vane was of the same mind. A knowledge of human nature may make us sure that, after the first Council meeting had broken up, there were courtiers and great men, ready to persuade themselves, that any political strategy calculated to put less money into the Royal purse was unpatriotic and dangerous. Vane we may be sure, was singularly loquacious on the impropriety of his Royal Master giving way on this point to the Deputy, and, if the King would only trust him, who was in the House, which Strafford was not, he would carry off twelve subsidies, by improving on Strafford's strategy. Add to this that Strafford had always inculated the theory that a firm stand with a public assembly was the only method of carrying a policy, and we may be sure that the King, the Queen, Vane and all that inner circle thought that on the matter of twelve subsidies it was possible to be firm also. It is most likely that, on the night of the 3rd of May, Vane persuaded the King to reverse his decision of the morning to be satisfied with eight. Perhaps Vane suggested that twelve subsidies and no less should be demanded in iron tones and then, if the worst came to the worst, less could be accepted. A policy like this, to certain men of narrow minds, seems "sounder"—that is the phrase always used—than Strafford's characteristic "put yourself on their affections". Clarendon suggests that Vane disobeyed his instructions out of blind hatred of Strafford. This theory is absurd. If he had done so, he would have been dismissed next morning. Furthermore he was followed by the Attorney general Herbert who spoke on the same text. Herbert's attitude Clarendon acknowledges he cannot explain. He was probably informed of the new policy. "The other Privy Councillors" who "were much displeased" had obviously not heard of the reversal of the Royal policy.

This, as we know, was only a partial success. One can easiliy understand whatfollowed. Was Vane to go to the King and confess that, not only had his own plan failed, but that he had

1) L. L. VII—510.

imperilled Strafford's by delaying the offer of reduced subsidies? Probably in the excitement of the moment he had gone beyond his brief and committed the King definitely to twelve and no less, when the King had only instructed him to bluff the House. In such moments when their political prestige is at stake, men clutch at straws. They always try to shift the onus of failure. The whisper of Pym's intended motion was enough to suggest an escape to a desperate man, whose hatred of his now justified and always contemptuous enemy was a bye-word at Court. On one point the King was adamant. The Parliament was not to say a word in favour of these Scotch nobles. Finch had made that clear the day Parliament assembled. An exaggeration of the difficulties in the House, a tale of an unbreakable caucus behind Pym, a lugubrious story of a motion to be tabled in the morning of a resolution glorifying the Scotch battle against Laud's prayer book—all this told, at dead of night, to an unimaginative man, who dreaded Parliaments, who had seen nothing but their evil side, who could never understand Strafford's political strategy with its "put yourself on their affections"—one can easily understand what it was that made up the King's mind between eight on Monday night and seven on Tuesday morning. Why he never revealed all this to the Council is one of those mysteries which dogged every action of Charles. Perhaps he may have thought that a leakage of information would have given Pym and his friends time to burn their papers. Perhaps he foresaw that Strafford would evolve some fertile idea of further broils, wrangles, and concussions with an assembly of which he was sick and tired, —an assembly too which had not been very respectful to him—, and, his mind being made up, the less said the soonest mended. Charles was a very reticent monarch. His whole career consisted in hiding things from his Statesmen.

The result was disaster. Parliament had never refused supplies. Parliament was debating supplies when it was dissolved, without any valid reason been given. Ordinary honest men could not understand such a performance. It was useless for the King to publish a manifesto laying the onus of the breech on Parliament. Men who were furious with the Monopolies, men who grudged the Ship Money, men who had expected some particular reform or some private Bill out of this assembly, were now asking

what crime had the people's representatives committed that they should be denied their just alleviations. The onus of the breech, which Strafford had manoevred to lay on "the precise party", the onus, whose mere threat had driven a multitude of wedges into Pym's caucus, was now flung by the King on to the shoulders of his Ministers. Someone revealed who had voted for a dissolution at the Council Trable, and who had voted against it. Public opinion ascribed the debacle to Strafford and Laud. That night Laud's house was attached by a mob, and he had to flee for safety.[1] Six months later Strafford was impeached and one of the charges was that "the Parliament of England met and the Commons House did enter into debate and consideration of great grievances of this Kingdom, both in respect of religion and the public liberty of this Kingdom, and his Majesty, referring chiefly to the said Earl of Strafford, the gathering and disposing of all matters concerning the Parliament, and a demand being made from His Majesty of twelve subsidies, for the release of Ship Money only, and while the said Commons, with expression of great affection to His Majesty, were in debate and consideration concerning some supply, before any resolution by them made, the said Earl of Strafford did procure His Majesty to dissolve the said Parliament".[2] For reasons to be detailed later "the precise party" did not proceed with this article.

Suffice it to say that, when the King's officers searched the apartments of Pym and his colleagues to discover what "intelligence" they had held with the Scotch, they drew a blank. When the Royal Manifesto was published giving the reasons for the Dissolution the mysterious pro-Scotch intrigue could not be mentioned. There wase no proof available, save the letter already quoted, the report of an anonymous scribe, the gossip of the Court, and the hallucinations of Vane. Truly that Statesman had indeed done his master a good service. The Exchequer of England was empty and an invasion was pending.

Even these facts however do not sufficiently explain how the Short Parliament was dissolved. Its members were always adamant on the point that the House did not intend to refuse

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1) R. P. III—1174. 2) R. P. VIII—72.

supplies. Vane, by himself was not of the rank to sway the King in his decisions. There must have been other forces at work in the Court, sufficient not only to force the decision of a dissolution on the King, but also to hide from the Council the painful fact that Strafford's advice had not been taken in the House the day before.

It is significant that, long before the fatal Council Meeting was held, long before Vane had made his speech or the rumour of a pro-Scotch motion been whispered, Clarendon had heard that a dissolution was a certainty, and this he had heard from "the several discourses of many of the Court who were of near admission to the King and Queen". Their story was that the King was angry at some of the speeches delivered. Clarendon went straight to Laud and implored him to avert this disaster. He pointed out emphatically that "the number of the disaffected was very small", and that, though there might be, for a time, displays of temper, the House being loyal would vote the supplies. Laud listened and said little. It is clear that the public reasons given for this dissolution were never the real reasons.[1]

After the Church Impropriators the most powerful political influence of the day was the Monopolists. They percolated through every branch of Society from great noblemen in possession of farms down to labourers employed by the contractors. Lord Newport, for instance, who denounced the House of Lords as "fit for slavery", because they insisted on supplies preceding grievances, shared with Vane in the gunpowder monopoly.

When the Short Parliament met, one of the premier grievances it voiced was that of the monopolies, and, among the petitions, demanding either the abolition or the reform of this or that particular monopoly, was that of the hackney coach drivers, whose licences were farmed by the Marquis of Hamilton. In debating the grievances of monopolies the House was voicing a great popular grievance. Many of them were bona fide concerns. Many however, were restraints on trade for "particular ends", and there was scarcely a household in England that had not a complaint against one or other of these monopolies. When

1) Clarendon. Memoirs. I—74, 75.

however Strafford put matters to the test, when it became a matter of Parliamentary bargaining, as to what terms would elicit the supplies, the reform of the monopolies, like liberty and religion, was jettisoned by the general sense of the House, and ship money and feudal dues took their place. Monopolies were just the same as Government contracts. They are often a public scandal. Public men use the popular odium in which they are held to make speeches and form parties, denouncing them generally in all moods and tenses. When, however, the crude test of practical politics arrives, no statesman and no party dare produce a Bill calling them all in for a reform. A party in the State could not be formed of men, who are not directly or indirectly connected with these businesses. In this case also, the Parliamentary leaders were only too well aware how many members of the House were monopolists. In the Long Parliament, when political exigencies forced them to exclude from the House all Government contractors and monopolists, they were obliged to make a special exemption in the case of those men, who were sound Parliamentarians and voted with Pym and Hampden. This is the reason why monopolists loomed so large, when Pym was "window-dressing", and disappeared when the process of lobbying and Parliamentary bargaining for real business began.

Are we sure, however, that Strafford did not intend to call in the Monopolies? It was an open secret that he was to become Treasurer, the man with the final say on such matters. His Irish administration was marked by a bitter hostility to monopolies. When he left Ireland nearly all the State farms had been called in. He never once passed a monopoly, save that of tobacco, which was not a monopoly in real sense. He had made no secret of his attitude, and was a marked man by all the Court "Projectors", who formed in political circles an interest as strong as "the City" does to-day, whose hostility to a statesman is often fatal. Once when a large number of these "projects" were called in and "dashed" he wrote. "I am glad to hear the Court purged of such a Company of Projectors, and wish some of them were hanged to boot, as in very truth the very scandal of His Majesty's affairs, and the reproach of all his upright and well meaning ministers, whose chief care it is to whip forth this vermin as spoilers, indeed robbers both of King and people, and I pray that neither these

nor any like them may hereafter dare to appear within Whitehall".[1] This letter was written to Northumberland and in a whispering gallery like the Court, we may be sure that everyone with a monopoly that was shady, and everyone with a monopoly in view, regarded Strafford as an enemy of England. Men whose "particular ends" are threatened by a Statesman, will always persuade themselves that his general policy is disastrous.

That Strafford would have ruthlessly called in the shady monopolies is certain. What is more he would have recast many, which were bona fide, and yet undesirable for financial or industrial reasons. One has only to recollect his attitude towards the Irish Parliament to imagine what fears and apprehensions animated high and low when there was a probability of the Short Parliament passing these supplies. When the Irish Parliament voted the subsidies the full force of its legislative powers and the full battery of the State machine was turned towards the reorganisation of the Irish body politic. Finch's opening address to the Short Parliament is dominated by a similar idea. The great popular grievance was the monopoly question. The first act of any conscientious statesman would have been directed towards its Reform. What was more the King personally had his misgivings on this point. It was he, on his own initiative, who had called in over forty of this monopolies a year before.[2] The Proclamation begins "forasmuch as His Majesty does now discern the particular grants, licenses, and communications herein expressed have been found far from the grounds and reasons, whereon they were founded, and in their execution notoriously abused".[3] He had called in another fourteen of these on the eve of the Short Parliament.[4] A reform such as this was a certainty. It appealed to Charles' mentality, being a concession to "the meaner sort". It appealed to Strafford who hated slovenly and corrupt administration. What was more no one exactly knew at what minute some attack would be made from some corner of the House on his own monopoly. Monopolists were on tenterhooks while the House sat. We can accordingly understand what a widespread and murmuring interest there was, pulling wires in every corner, repeating to the Queen every truculent speech in

1) L. S. II—77. 2) L.S.II—71. 3) R.P.III—915. 4) R.P.III—1103.

the Commons, prophesing failure, exaggerating difficulties, whispering that it did not befit a King to go cap in hand to Pym, innuendo, intrigue, gossip and insinuation, straining every nerve for a full three weeks to avert that "understanding between King and people", upon which a dangerous man would rise to power with the intention of depriving honest gentlemen, ladies, merchants, and poor labourers of their means of livelihood, in which they had spent their savings, and which they had only secured after great and prolonged canvassings. This silent, subterranean, widespread opposition, percolating into every quarter, is the greatest obstacle a Statesman can face. As can be seen Vane did not stand alone. Thus we have three parties working for a breech.

(1) The last of the Great noblemen to whom a situation like this spelt increase in power.

(2) The monopolists whose livelihood was threatened.

(3) The Revolutionary Party, eager for a breech, with Holland and Newport actively engaged, and Northumberland at any rate not hostile.

Revolutionaries batten on discontent and hate with a deadly hatred any man or policy aiming at reform and the abolition of abuses, as calculated to make "the commonality have their dependence" on others than the anarchs. They are more hostile to a policy of reform than a policy of reaction. "Be of good comfort. All is well. Things must be worse before they are better. This Parliament could never have done what is necessary to be done. It would not do what I and my friends thought necessary".[1] Such was St. John's comment on the ensueing breech, and St. John was the brains carrier of the Revolutionary Party. Pym was but an academic figure head, clothing with cold and vapid logic, in stately but meaningless phrases the aims and ambitions of those who meant business.

Some years later when the spoil came to be shared the Revolutionary Party broke up, and there were some piquant disclosures. Their greatest champion in public was a fiery fanatic of the name of John Lilburn, of whom Henry Martin said that "if there were none living but John Lilburn, John would be

1) C. H. I—80.

against Lilburn and Lilburn against John".[1] He wore a Martyer's Crown also, which made him a most useful person for others to exploit. Some years before this he had been pilloried and mutilated for his vehement theological language. Lilburn's orations from the pillory were so seditious that he was gagged, but he "stamped his feet thereby intimating to the beholders he would speak were his mouth at liberty".[2] When the Parliament emerged triumphant poor Lilburn,—now a Colonel and a man of war as well as words—became aware that things were not much better. If anything they were worse. His pamphlets were accordingly directed with singular ferocity against the saints and popular leaders. His works such as "Jonah crying from the whale's belly" afford entertaining reading to those whose taste it is to contrast the public demeanour of Parliamentary personages with their private practices. Lilburn was in the Revolutionary Party. He knew its workings and the character of its leaders, and he was therefore able to divulge facts, of which even the ablest Royalist pamphleteers were ignorant. His comment on this affair of the Short Parliament is worthy of reproduction.

"Old Sir Henry Vane was a man of guilt and Court business, as any man that was ever there. He was the main and principal man that instrumentaly broke up that Parliament, for, in the House in the King's name, he strongly moved for 12 subsidies, when he had no such commission from the King, but did it of purpose to set the Parliament in a heat, and make them fly against the King, of which heat he took advantage, and then went to the King and incensed him against them, and thereby provoked him to break it up, on set purpose to save himself from being questioned about the dangerous and desperate monopoly of gunpowder and other of his illegal knaveries, in which he was deep enough over boots and shoes with Lord Newport".[3] The sordid details of Vane's gunpowder monopoly we will not describe. Nor was Lilburn alone in this view of the situation. Sir George Wentworth, Strafford's brother, had knowledge, probably nearer the truth. "That Parliament was no sooner resolved on, but the

1) R. P. II—468. 2) R. P. II—466. 3) "The Resolved Man's Resolution" by John Lilburn p. 14.

Marquis of Hamilton, made it his resolution to break it, which by Vane he did, a thing easily done, himself and many great ones being involved in monopolies. Then was the people sufficiently enraged with the Earl of Strafford".[1]

What made the situation so serious was that this breach affected Ireland. The Irish subsidies were payable every six months. The Irish army was on the verge of mobilisation and the initial expenses had to be met. Strafford's intention was to borrow from the English Treasury the cost of these expenses on the security of the Irish subsidies. The King had urged him to raise a loan in Dublin, but he had refused as it would have upset all the trade of Ireland, tieing up credit, and monopolizing coin. He had already borrowed £ 50,000 out of the loan in London. The English Exchequer was now barren. No Irish Military operations could be undertaken till the next subsidy matured. His fertile brain however evolved the idea of raising money elsewhere on the security of the Irish subsidies, but in the meanwhile he wrote the following letter to Radcliffe. "Our into the field will be a month later. By this means we shall cut off one month's charge and I will endeavour to get a loan. So long as we have in hand money to serve the turn, if we can but make sure to victual and cloth the men, I will trust with good words to gain them to be contented to expect now and then a month or two till the treasure come. They will be sure I will not doubt my credit so far, but I shall obtain as much of them as that comes to. If you know how weary I am".[2]

The collapse then came and he lay for weeks semi conscious on his sick-bed.

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1) R. C. p. 229. 2) R. C. p. 200.

Chapter V

THE CRASH

> "I can never consider this assembly as anything else than a voluntary association of men, who have availed themselves of circumstances to seize upon the power of the State. They have not the sanction and authority of the character under which they first met. They have assumed another of a very different nature, and have completely altered and inverted all the relations in which they originally stood". BURKE.

The drama now shifts to the scene of the Irish Parliament, which, after a short recess, had re-assembled in Dublin to cope with a long series of Bills. Whatever hold the existing regime may have had on Ireland, it is obvious that beneath the surface there were elements capable of utilizing a situation such as this. One Kingdom in open rebellion, a serious rebuff to the authorities in the English Parliament, the physical collapse of Strafford, of whose death rumour once spoke loudly, were incidents certainly not calculated to assist Wandesforde, who was acting for Strafford. There were the impropriators, who had been compelled to disgorge, or who might be compelled to disgorge. There were the last relics of Irish feudalism and septdom who had never accomodated themselves to the idea of a strong Government, and were always looking for an opportunity to deal it a blow. There were the Scotch settlers in Down and Antrim, who could not but be affected by the stirring scenes that were being transacted in Edinburgh. There was the militant Roman Catholic Party, who saw in Stuart policy the end of their hopes, weaning as it did the country gentry from dependence on the friars to a sympathy with a Monarch, who was their great protection against the Puritan Planter. "He only takes us up to knock us down, like a wrestler", was Monsignor Conn's summary of Charles' tolerance towards his Roman Catholic subjects. "He intended rather to reconcile the English Catholics

to the Church of England by making some concessions in point of form and doctrine than again to reduce England to the Papal see".[1] In militant Roman Catholic circles in Ireland Stuart policy was far more unpopular than Parliamentarian. This attitude of mind towards the existing policy is best described in a letter of Father Hugh Bourke in the first year of the Rebellion. "It will be easy for the Parliament to fall upon the King and ruin him. God grant matters come to this pass, as we have good hope they will, for then would be the opportunity to introduce changes that would greatly benefit our Catholic religion".[2] This militant party had no doubt been strengthened by the Papal rescript ordering all the faithful to give as little aid as they possibly could to any resistance to the Scotch Covenanters.[3] There were also the Planter and official classes. Apart from the Puritan Parliamentary leanings of some members of this class, Strafford's regime had struck a deadly blow at their rising political power. Till he came on the scene the control of Ireland was gradually passing into the hands of the official families, and the settlers of the past half century, who formed that solid combine against which the native gentry vainly and frequently fretted, and who held such a grip in the Council, on the Bench, in the Parliament, and thoughout the Executive that even a Royal Warrant, ordering some course they did not like, generally failed, lapsed and passed into nullity. To this class Strafford was even more hostile than he was to the relics of feudalism. To him "all subjects" were to be equal "before my Master", there were to be "no intermediaries between the King and the subject", and "dependance was to be only on the King". This policy struck a deadly blow at the rising ascendancy, and men were well aware of its drift when Loftus, Wilmot and Mountmorris were disgraced. What feelings it aroused in the Executive may be gathered from the following letter: "I advise you to get a good post in Ireland, and think there will shortly be some good ones vacant, for all or most of them are conscious of their own neglects or misdemeanours, and it is thought will rather forego their places upon long terms than hazard an account of their actions".[4] The Ulster Plantation had been remodelled on a

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1) S. T. IV—51. 2) Franciscan MSS. p. 232. 3) R. P. II—821.
4) C. S. P. 1633—25.

drastic scale. Planters—some of them "men of power"—had been forced to carry out their Covenants, and those who had evaded them had been compelled as a penalty to surrender their Church Impropriations, their advowsons, and their power of collecting market dues. This however did not include all the possible enemies. Radcliffe has ascribed no small part of the subsequent hostility to Strafford to his enforcement of the Customs Duties and the veto he placed on the "exactions" of Corporations.[1] Smuggling in those days was not the crime it is now. Evasion of the Customs was regarded amongst City merchants with quite as much tolerance as evasions of probate duties are by the farmers to-day. If to-morrow a Government were to come down upon the owners of Irish land, and were to demand the Death Duties they should have paid on succession to those farms under threat of "escheatment" for not having taken out letters of Probate, we would have a similar situation to the feeling in some of the Irish Cities at the rigid enforcement of the Customs. In 1639 tobacco-smuggling from Scotland on a large scale was detected by Radcliffe and promptly suppressed. In the same year that indefatigible financier wiped out the last of those innumerable impositions Corporations used to impose on those who were not freemen.[2]

Lastly there was the question of the new Plantations. Something like seven Irish Counties—and those not the smallest—containing some of the richest land in Europe, were now in the gift of the Crown. Whosoever cares to probe through the different volumes of private correspondence, published by the Historical Manuscripts Commission, will become aware of a great interest, displayed in three Kingdoms, as regards the allocation of these lands. Strafford's constant refusals of special rights in this allocation procured him nothing—as he once said—"but the displeasure of great ones by it, which reports me everywhere, with the help of my good friends and the gracious Lords at Court, to be the most severe and pressing Minister that lives".[3] Imagine the effect of a rumour in Dublin that a change in Government could be effected, and imagine the effect of that rumour amongst men, whose suits had been bluntly rejected by Strafford: The

1) L. S. II—434. 2) R. C. — 189, 197. 3) L. S. II — 332.

undoubted connivance of Parsons, Ranelagh, and the Planter official class with the subsequent outbreak in the Irish Parliament was in no small part due to a desire to effect a change in which the allocation of the Connaught and Ormonde Plantations would be in hands other than Strafford's. "His accusers wanted shares in the Plantation" said Sir George Wentworth.[1] "I will be able to pay my son's debts after the trial of the Earl of Strafford", wrote Lord Cork.[2] These plantations however had irritated another Party. In Connaught—this did not apply to Ormonde—they meant the destruction of the political power of the last of the Irish feudalists, and meant the introduction into Connaught of Undertakers, by no means favourable to the political pretensions of the militant Roman Catholic Party,—Connaught was their last stronghold—capitalists being never prone to "risings out" in the interests of a far distant Roman Catholic State. Besides the "Great Ones" however there were minor freeholders, who were not quite content. All this time a commission had been surveying boundaries, examining titles, fixing the limits of estates and wiping out small holdings of less than 100 acres in both Ormonde and Connaught. Under the best of administrations such a process as this was bound to make enemies. What was more, however anxious men were for a Plantation, with its final settlement of tenures, its introduction of capital, and the security it brought, no man liked to have to surrender a fourth of his estate to achieve this consummation. The aim and object of nearly every owner was to secure exemption from this surrender for himself, while basking in a Plantation prosperity due to such surrenders on the part of his neighbours. "The Province of Connaught", one time wrote Strafford, "is unsettled where he that loseth least is to have a full fourth of his lands taken for the King. A great part of Munster is in a like condition".[3] The situation had been aggravated by Clanricarde—through great influence at Court—procuring a signet letter, granting such exemption to him alone. The letter Strafford had "stayed", but the effect was instantaneous. There was a regular stampede across to London by "all the rest of the mobility and gentry of Connaught", who as Strafford put it "have better reasons to allege for themselves, than his Lordship either

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1) R. C. — 231. 2) H. M. C. V—182. 3) Cowper MSS. II—230.

had or hath any. The comeliest way will be to send the petitioners back here. Thus shall your Majesty do your work, put the negative from yourself upon us your Ministers upon this side, who must be content to undergo their displeasure and hard opinion, rather than the Crown suffer in the most considerable business now on foot, whether your Majesty's Revenue or the public peace and good of this Kingdom be considered. God long preserve Your Majesty!"[1] Suffice it to say the Act, legalizing whatever tenures and leases and grants the Commission might pass, was not yet on the Statute Book. It was before the House of Commons on their agenda paper.

Such were the elements of discontent, each one by itself negligible and the whole, if united, not terrifying, as the crisis in the State had undeniably mobilized behind the Government such a body of opinion that it would be a brave man who would propose that these "particular ends" should outweigh the King's needs and the threat of an invasion.

For some time matters drifted along amicably. On June 8 Radcliffe applied for leave of absence from the House, as he intended to sail for England.[2] On the 10th the opposition made their first move. They concentrated on the subsidies and the idea of Parliamentary liberty.

The history of the subsidies is somewhat complicated. How Chichester levied his lost in obscurity. Strafford speaks of those of his first Parliament as forming a precedent, from which we may deduce that, till his time, there was no fixed rule for their assessment. On their enactment in Strafford's first Parliament a resolution was passed ordering that "the subsidies granted by the commonality may be proportioned under £ 40.000".[3] Strafford had two alternatives. He might leave the assessment to the House. In that case the subsidies would be small and "particular ends" might secure exemptions. He might levy the subsidies by Commissioners. In that case if they were strict in their valuation there would be "clamour and discontentment which ought to be avoided in levies of this nature". Accordingly he issued a Commission for Kildare. The result of this Commission's activities was a certain panic among the members. A Committee of the

1) L. S. II—381. 2) H. C. J. I—144. 3) H. C. J. I—103.

House approached Strafford and suggested a compromise. They would guarantee that each subsidy should be £40.000, save the last two, which, being paid at the rate of only one a year, were raised to £45.000. Strafford agreed to surrender the Crown right to assess the subsidies if this arrangement was carried out by the House. "Yet that I might be the more sure that all things shall be carried indifferently and that the burden may lie upon the wealthier sort, which God knows hath not been the fashion of Ireland" he insisted on four Crown nominees being added to each County Committee "to see that all things be carried suitable to His Majesty's Justice and princely regard of his People" [1] Laud says the King roared with laughter at this Machiavellian strategy. [2] A few days later a resolution to this effect was passed in the House.[3]

In the case of the peers and clergy they were "rated by the State as formerly", which phrase looks as if, up to this, the same procedure was adopted with the Commons.[4] In their case Strafford anticipated some discontent and discountenanced it in advance by a letter to the Privy Council, in which he pointed out that for 20 years no subsidies had been paid and that, in the contributions the nobility had nearly all exempted themselves, laying "the burden upon the poor tenants, and therefore it is reason they should pay the more now", and lastly that the subsidies paid by the Peers had been reduced on his suggestion. In their case a subsidy was four per cent of the anual value of their lands, which, at two subsidies a year, works out at an income tax of eight per cent.[5] From this we may deduce that the subsidies of the commonality were less. A statement of Radcliffe's amply bears out this. Writing in 1641 he asserts that their subsidies worked out at 3 % on lands and 2 % on goods.[6] By law the rate was 2s/8d in the pound, but this rate depends entirely on what the valuation was.[7] We may assume accordingly, from these two statements, that a subsidy worked out at roughly 3 % on the annual value, and that this rate, in the case of the Commons, was unanimously accepted. Nor was it an exorbitant rate. Many years before when the Earl of Cork was a minor man, his subsidy was assessed

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1) L. S. I—400, 401. 2) L. L. VII—383. 3) H. C. J. I—104. 4) L. S. I—400. 5) L. S. I—407. 6) T. C. D. F.3, 15. 7) Act for the Granting of Four Subsidies. T. C. D. Library.

at £ 600 and at that valuation there was no grumbling.[1] Since then his wealth had increased. In 1631 we find him writing. "I have within 2 years laid out of purse for purchases and mortgages £ 12.075".[2] Since then land had soared in value through the growth of security and peace. Over and over again we come across statements like this. "Land rises in price every day and land which at my coming was let for 18d an acre is now 2/6d."[3] Despite this however Cork's assessment for six subsidies in Strafford's time was exactly the same—£ 3.600—as it was in the period of Chichester. Nevertheless opposite this item in Cork's accounts lies a malignant and smothered curse "God never forgive it to his good lordship!"[4] The cause of this outburst is plain. For years Lord Cork had exempted himself from taxation. To the annual contribution of £ 20.000 a year this nobleman, the richest peer in Ireland, had only contributed £ 1. 6. 8 per annum.[5] To be suddenly asked to contribute according to his means, to pay the same rate as he had done twenty years before was too much for his self suppression. This incident reveals two things. If the valuation of the peers, at which Strafford acknowledges there was grumbling, was so fair, moderate and equitable, being four per cent, we may assume that the payments by the Commons, being three per cent and fixed by themselves was much more so. We also get a glimpse of the smouldering passion these subsidies aroused in certain quarters.

As can be seen it was a moot point as to who was the assessor of these subsidies, the Crown or the Parliament. Till 1634 it is probable the Crown was the assessor. Then their sum was fixed, and on that understanding and on that assessment not only had those six subsidies been paid, but the first of the four, voted in 1640, had been collected, having been assessed in each County by a joint Committee of Parliamentary Agents and Crown Officials.

On July 10th a resolution was passed in the House to the effect that "the first subsidy that is now assessing for this present supply shall go on by order of the House, yet for saving thereof, without relation to the instructions of the Council, and that a declaration shall be drawn up to avoid precedents in future times, and that the three subsequent subsidies shall be levied in a Parlia-

1) L. P. s. II—94. 2) L. P. I. s. III—118. 3) C. S. P. 1634—48.
4) L. P. I. s. V—51. 5) L. S. I—407.

mentary way".[1] The gist of this resolution was, accordingly, that the House was to be the sole assessor of subsidies. It was followed by one a little stronger—and yet innocent in appearance—declining to regard all previous "applotments" as precedents, and defining "a moderate parliamentary way" as "an easy and equal rate of each man his estate without relation to any former certainty".[2] The gist of this was that a subsidy was no longer to be a fixed entity. Each man's estate was to be duly inspected and on its merits or demerits the tax was to be imposed. The old rule that a subsidy was to be £40.000, divisible amongst land owners, according to their valuation, was abolished by this resolution. The ease with which it passed is quite natural. No matter what the temper or opinions of an Assembly may be, a resolution extending its powers appeals to everyone, and the best of men are loathe to oppose it. It was all very well for Lord Robert Dillon to describe it as a vote of censure on the Council—which it was in way—but he was easily overborne by the prevailing opinion that the popular representatives should fix the taxation of the people, a resolution all the more desirable to members who saw an opportunity for saying what they themselves should pay.[3] How ill fitted the House was to cope with public affairs is shown by the accompanying resolution that the Lords should join with them in this protest. The English House of Commons would never have made such a blunder as to recognize the right of the Peers to interfere in matters of finance. Excited and enthusiastic men however will do these things in the heat of the moment. Ranelagh, Gormanstown, and Lambert seem to have been rather active at this stage, but, in the end, the Peers took Bramhall's advice and declined to interfere in this matter.[4] Wandesforde had no option but to bow before the storm. It certainly was scarcely a time to pick a quarrel with the House of Commons and he allowed the resolution—as a pious expression of opinion—to be entered on the books of the Council, trusting to better times to be able to do what Strafford did, and prevent the House from reducing the subsidies to a nullity. Poynings Law and the Act for the subsidies were two barriers no resolution of the House could get over.

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1) H. C. J. I—145. 2) H. C. J. I—147. 3) C. S. P. 1625—1660. p. 234. 4) T. C. D. F. 1, 4 p. 25.

In some quarters of the House there must have been some qualms as regards the effect this resolution might have upon the King's enemies. On the 16th another resolution was passed declaring that "nothing in our said late declaration is intended to vary any of the cheerful expressions which we have formerly said for His Majesty's service in the present distemper in Scotland".[1] Thus did those who had injured the financial credit of the King's Executive, whose supplies were being borrowed on the security of these subsidies, allay the apprehensions of the more simple minded and muddle-headed members of the House. A pious resolution has a most soothing effect on some minds.

What Strafford used to call "the embroilers" had now scored a point. With considerable skill they now concentrated their forces on the weakest point in the armoury of the Government—the eternal religious question, which always comes in useful in a political crisis. The fees of the clergy, their "exactions", their dues and all that clerical olla podrida of an earlier civilization formed the basis for this attack. Some were just, the pay of men who fulfilled functions now devolved on the civil power. Some were indefensible "exactions". Others were normal and traditional payments to which no one thought of ever objecting. Some of these Strafford and Bramhall had abolished, such as the fees for baptism, burials, and marriages of Roman Catholics married by their priests. Others the Commission on fees had either abolished, reduced, or fixed, and the Bill legalizing these findings was now before the House, and could not be passed while this affair held the floor. As a matter of fact it was lost in the subsequent confusion. As regards illegal and unusual exactions Strafford and Bramhall had a standing proclamation in force calling on the subject to report such abuses.[2]

It is worth noting that these dues were never abolished. The Parliamentary Committee which interviewed the King in 1641 for "redress of grievances" just mentioned the matter and no more, reserving the greater part of their energies for other subjects. If anything they were increased in the passage of time, those in kind being altered into payments in specie. At the beginning of the 19th century they ceased to be levied direct and were levied

1) H. C. J. I—148. 2) T. C. D. F. 3—15.

indirectly, landlords having made the collectors by Statute. In 1869 they were first secularized and, after three denominations had been awarded portions, the remainder passed into the Exchequer to form what a cynical statesman one time described as "the horn of plenty for political bribery in Ireland". The general public accordingly received no alleviation from this little splash in 1640.

An attack on this curious and varied institution had one great merit. It appealed to the enthusiastic Roman Catholic and the enthusiastic Puritan. To one it appealed as an assault on the clergy of another denomination. To the other it appealed as an assault on clergy, all clergymen having a very bad name amongst the exponents of the new doctrines. The curious phenomenon of all these alarms and excursions was the queer and mutually hostile elements that were operating. "These debates concerning the declaration" (re subsidies), Wandesforde had written, "have not been prosecuted by the Irish alone, but those of 'our own party' as we call them have joined apparently with them".[1] Planters and officials had a bone to pick with the Status Quo quite as much as the up-country members. The Crown was so entangled in this institution that it had to defend it in toto—though Strafford and Bramhall had done their best to cut off its less desirable features.

The assault opened with a brillant piece of stage managing. A petition was lodged at the bar of the House of Commons accusing a Bishop of immorality. The awe-struck House solemnly passed a resolution calling on Wandesforde to take proceedings. In this atmosphere a resolution involving a ferocious attack on the Established Church was solemnly propounded and not unnaturally carried. This was followed by a resolution calling on the Dublin Members to sit during the recess "to hear grievances". Up to this that had been the prerogative of the Deputy, who controlled all Acts of Grace. On June 16 Wandesforde prorogued a thoroughly demoralized House which, in one week, had lit some very fiery passions and committed some very awkward Acts, at a moment when these things could ill be endured. The Act for the Plantation of Connaught had not been passed. That was the

1) R. C. — 250.

cause of these stirs. "Methinks they do not like that Act" wrote Radcliffe.

During the recess much happened. Newburn was fought and lost in Strafford's absence. On his arrival he flung himself into the work of reorganising the English Army, which sadly wanted a firm hand at headquarters. "We marched away", said Colonel Barry, "in the greatest shame and disorder that ever men did, never turned our heads till we met my Lord Lieutenant, who has brought us hither, rallied us together, and has made us a very fine army."[1] "If I had 1.500 men that would not start from me" he told the King "I would bring you Leslie's head".[2] Other dangers however were arising. The Scotch were obviously held in the North of England. Their advance came to a sudden stop, when the English reserves came up, and the Army was consolidated. These great Scotch nobles never trusted each other. Loudon sent the following message across the lines "The Earl of Argyle has a Commission from the Council of the Parliament and the General to go to Ireland with 10.000 foot, and as many horse as he can get transported, in case the Irish Army goes to England".[3] Strafford's intelligence department had warned him of this danger a year before. Argyle and the Ulster O'Neills understood each other very well. Strafford's fertile brain evolved a typically Straffordian policy. Every Scotchman was to be banished from Ireland. "It is of absolute necessity for the public safety of this Kingdom, and for securing it from Scotch invasion to banish all the under-Scots in Ulster, grounded upon a humble request in the Commons House in this pliant Parliament. I take it for granted the House of Commons—the intended blessed reformation of my Lord Argyle's highlanders and redshanks with other particulars being fully represented to them—will cheerfully note this proposition, and my confidence therein is grounded upon good reasons, fitter for personal discourse than here to be in writing inserted".[4] Radcliffe however would have nought to say to this. "Rejected by me and crossed" he has scrawled across it. In any case the invasion was postponed. The King made terms, agreeing to pay the Scotch an indemnity, to procure which Parliament had to be summoned. Eighteen months later however the Scotch

1) Egmont MSS. I — 120. 2) T. P. — 195. 3) Dom. 1640 — 611
4) R. C. — 206.

came, seized every fortress in Ulster, refused to admit the Government's troops therein, though nominally assisting it against the rebels, and held their own firmly and bravely, till Cromwell swept over Ireland, reducing them to the level of ordinary subjects. Thus ended that effort to reform one of the old half clan, half feudal and independent States.

On October 1 Parliament re-assembled. Less than half the House were present. How many had been present in the previous session does not transpire, but, we know, a very large number were with the Army. The collapse at Newburn and the surrender of the King, we may be sure, had aroused great hopes amongst each little party, anxious to utilize the situation. Wandesforde, addressing the House of Lords, commented on the fact that many had not yet paid their first subsidy.[1] The opposition were for a time quiet. The journals reveal a steady passage of Strafford's Bills. On October 20th however they moved. The old subsidy question was resurrected. A special Committee reported, and that report was laid before the House. It reduced the subsidies to a third of their original value and was not unnaturally passed.[2] It was based on the theory that a land owner should only be valued at a tenth of the annual value of his lands, and should pay his subsidy duty on that assessment.[3] On this occasion the Lords demanded that their subsidies should be reduced "in proportion with the Commons", and that "moderation be used".[4] The infection had obviously spread to the Upper Chamber. A few months later, when the King gave way to these resolutions, the subsidy of £ 40.000 produced only £ 12.000, which, as Sir Adam Loftus said, "is so contemptible a sum as is not worthy the acceptation of His Majesty nor the name of a subsidy".[5] Nearly all the difficulties of the Government in the following year and the greater part of its failure to protect the lives, properties, wives and children of the subject from the combustion that ensued was due to the Parliament withdrawing supplies at the moment that one Kingdom was in the hands of the rebels, and the other on the verge of revolution. Truly it was a pretty price to pay to escape an income tax of 6 % in a country, whose wealth had doubled in seven years.

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1) T. C. D. F. 1. 4. p. 28. 2) H. C. J. I — 158. 3) C. S. P. 1641 — 251.
4) T. C. D. F. 1. 4. 5) C. S. P. 1641 — 324.

As soon as Strafford heard of this he ordered Wandesforde to refuse to receive a resolution which "abated and abused the subsidies". Constitutionally he was on very safe ground. This resolution was not worth the paper it was written on. No ordnance had any legality in Ireland unless, before its enactment, it had received the assent of the Deputy and the King. What was more it was in flat defiance of the Act that passed the subsidies. In no constitution that has ever existed could a resolution of one Chamber repeal an Act passed by two and ratified by the Sovereign. This was done. At a later stage a tearful petition was laid before the King, relating how Wandesforde tore the offending page out of the Journals at the Council Board "in a great presence and in such a manner that it struck a strange terror and amazement into the hearts of all your Majesty's subjects, who either saw or heard it. Extreme loyalty alone prevented the Kingdom from breaking out into tumult".[1]

Strafford's own troubles however were thick upon him. All men held him to blame for a disastrous and humiliating war, and for something worse a civil war. Parliament was about to assemble. His enemies intended to utilize the situation. The Parliamentarians were determined to bring the King to his knees by striking at his ablest minister. The Court wanted a scapegoat and were certainly not going to shoulder the blame themselves. As Colonel Barry put it "somebody must be sacrificed to appease the people and he is thought the fittest".[2] As long as he was with the Army he was fairly safe. Contemporary writers have attributed his journey to London to an overwhelming confidence in himself. A letter to Radcliffe however shows that the King had sent for him. Finch had revealed the fact that the whole Council had voted for the war, and there was an explosion amongst men, who were trying to pose as pacificists. The whole Council was at loggerheads. "I am to London to-morrow with more dangers beset, I believe, than ever any man went without of Yorkshire, yet my heart is good and I find nothing cold within me. It is not to be believed how great the malice is. Little less care there is taken to ruin me than to save their own souls. Nay for themselves I wish their attention to the latter were equal to that they lend me

1) C. S. P. 1640. — 248. 2) Egmont MSS. I — 129.

in the former. They will wrack Heaven and Hell to do me mischief. They expect great matters out of Ireland, therefore I pray you lend an ear to what they may stay there. If they come to charge I will send for you. Else stir not. Nothing can hurt me by God's help but the iniquity and anxiety of these times. Remember my service to the Deputy. Tell him from me that he must tenir roide and not suffer my gentlemen to grow insolent upon him, and that his old rule of moderate councils will not serve his turn in cases of this extremity. To be a fine natured gentleman will not do it. We are put by that warde".[1]

Just before November 5 Strafford had written to London to prorogue the Irish Parliament. That hint of "expecting great things out of Ireland" shows what was looming in the distance. On the 3rd Parliament was postponed for a few days by "the Lord Deputy's pleasure". On the 7th—a Saturday—it met. More than half the House was absent. No warrant for prorogation had obviously arrived. While it was transacting some routine business a Member suddenly rose to propose a motion. He had in his hand a lengthy screed. It consisted of a long series of reasons why Strafford's Government was anathema and destructive to Ireland. No notice had been given. It was proposed and seconded. A Member rose to discuss it but immediately a babel of voices arose, shouting "question", "question". For a considerable time he tried to speak, but the clacque would have no discussion. It was obvious that a debate was out of the question. The Speaker then tried to put the resolution clause by clause. Again the uproar broke out and perforce he had to put the whole resolution to one division. Then a demand was made that it be passed a second time. This being done the House adjourned. Thus without notice, debate, or examination a manifesto was issued in the name of the Commons of Ireland—and that by only 93 members out of a House of over 200—that Strafford's Government had been signalized by tyrannies, imprisonments, confiscations, embezzlements, bankruptcy, chicanery and persecution.[2]

This was the resolution on which the prosecution relied throughout the whole trial. When witnesses failed one of its

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1) R. C. 219, 221. 2) T. C. D. F. 3, 15; R. P. VIII — 11 — 14; Gilbert. National Manuscripts III — 1.

clauses could always be utilized instead. Wandesforde is said to have fainted the moment he heard of this debacle, whose significance was obvious, and of whose coming he had been warned by Strafford, who knew only too well that his enemies were "wracking Heaven and Hell" to get the Irish Parliament to repudiate him.[1] At the impeachment, which he saw looming in the distance, his great defence was to be that his arbitrary Government had been conducted with "the contentment of the subject". In one short hour this line of defence was destroyed. At a period when men believed that the resolution of a Parliament was as inspired as the thunder of Mount Sinai, the news that the Irish Parliament, after due consultation, had drawn up a scathing and comprehensive indictment of every feature of his administration was, in the eyes of the World, proof conclusive that he was a tyrant, a robber, an oppressor of the weak, and an enemy of the peace and prosperity of the country he had administered. When he was impeached each of these clauses spoke louder and impressed men more than a thousand protestations on the part of Strafford and the few witnesses he could gather. Even to impeach its accuracy and bona fides was, in the words of one of the prosecuting council, "to cast a blast of ill intention on the Parliament of Ireland in the presence of a Parliament in England".[2]

This resolution which was never debated or examined, drawn up in some private caucus meeting—whether in England or in Ireland it is hard to say—is a masterpiece of a well known style of political controversy. This process consists in taking a minute incident, placing on it a sinister complexion, and then asserting that it is a widespread and general practice. To wade through these fifteen indictments is vain and unprofitable. One alone will show their general tenour.

"Of late His Majesty's Attorney General hath exhibited informations against many ancient boroughs of this Kingdom, into his Majesty's Court of the Exchequer, to show cause by what warrant, the said burgesses, who heretofore sent burgesses to Parliament, should send the burgesses to the said Parliament, and thereon, for want of an answer, the said privileges of sending burgesses was seized by the said Court, and contrary to the laws

1) Cowper M. S. S. II—267. 2) R R. VIII—415.

and privileges of the said Parliament—and if way should be given thereunto—would tend to the subversion of Parliaments, and by consequence to the ruin and destruction of the commonwealth, and that the House of Commons hath hitherto, in this present Parliament, been deprived of the advice and counsel of many profitable and good members by means thereof".

The facts are so follows. It was always a debateable point what towns were corporate and what incorporate, what had the right to send members and what had not. In Chichester's Parliament this question led to a violent scene. In 1634 a burgess arrived from a borough which had never been represented before. The House naturally debated the question, and referred the whole matter to its Committee of privileges. A document in the Attorney General's handwriting is still extant containing a list of Corporations "questioned by many of the members of the House by way of petition presented to the House". The Attorney General attended and each borough produced its charter. Four boroughs failed to appear, Fower in Westmeath, Bannowe, Taghman and Clonmine in Wexford, none of which had been represented in the previous Parliament. These four the Attorney General's note describes as "in open Parliament questioned by His Majesty's Attorney General for coming to Parliament without patents or prescription". Twice they were warned to appear by the Committee.[1] Parliament was subsequently dissolved without any appearance being entered. The Attorney General, to decide finally the matter, issued a writ of quo warranto to appear before the Court of Exchequer. These very ancient and decrepit boroughs, which had long since lost their charters, if they ever had any, again failed to appear, and their right, if it ever existed, was escheated. In 1640 the House raised the matter. The right to decide the point was conceded to the House, which reversed the decision of the Court of Exchequer, issued the writs and duly welcomed the eight members.[2] Thus was it "deprived of many profitable and good members" by means "tending to the subversion of Parliaments". It should be added that in the eighteenth century Bannowe was under the sea, and, when the tide was out, half a dozen mysterious persons used to assemble on the dunes and elect

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1) H. C. J. I—88, 95. 2) H. C. J. I—146; T. C. D. F. 3, 15.

"the two representatives for the citizens, freemen, and burgesses of this ancient and historic city". Even old Sarum possessed a House.

A desperate effort was made by Lord Gormanstown and Lord Kilmallock to pass a similar resolution in the House of Lords—they "moved certain particular grievances concerning the Commonwealth"—but, as that Chamber insisted on debating the remonstrance, the effort met with no success.[1]

On the following Monday the House of Commons met again. A deputation was sent to Wandesforde to get leave to transmit this resolution to England. He refused. A resolution was then passed ordering its transmission to England. Within 24 hours after the enactment of this resolution the Remonstrance was presented to the English House of Commons, which is such remarkably rapid travelling for that period[2] as to make us suspect that "the precise Party" in London had a copy of that Remonstrance before the resolution was passed.[2] A Committee was appointed to see to the alleviation of the alleged grievances in England, and on the 12th the House was prorogued. A few of the Peers—"thirteen or fourteen" Lord Slane puts them at—held a private meeting a few days later, and despatched four of their number to London to represent the peerage of Ireland. Next session when all the Strafford administration had collapsed, the appointment of this four was ratified by the House.[3]

This series of resolutions passed in this week, and the subsequent developments in the next session, altered the whole constitutional fabric of the two countries. It is true the Commons only ordered that the Remonstrance be presented to the King, but they ordered that it be presented to the English House of Commons to tender to the King. It does not seem to have been laid before the King till a much later date.[4] This appeal to the English Parliament was ratified by a multitude of resolutions when the Irish Parliament assembled in the following January. Petitions delivered to the Irish Parliament were sent to the English Parliament for redress. Agents were sent to the English Parliament to assist it to prosecute Strafford for his Irish administration. A warrant issued by the English Parliament for the arrest of

1) T. C. D. F. 1, 4. 2) R. P. IV—51. 3) F. C. D. F. I. 4. 4) Gilbert. National Manuscripts of Ireland III—1.

Radcliffe, a member of the Irish Parliament, ran and operated in Ireland, without even comment in the Irish House of Commons.[1] A series of queries as regards the propriety of certain Acts of the Irish Executive were forwarded to the English Parliament for their comment and their decision. At this the Irish House of Lords revolted, seeing in that resolution an assumption "as if this Parliament were subordinate to the Parliament in England", but the zeal of the Commons was such that they forwarded the resolution, despite the Peers.[2]

From the consequence of the acts the Irish Parliament never shook itself free. The theory that the King, the Lords and the Commons of the Kingdom of Ireland were the sole arbitrators of its destinies was gone for ever by the abdication of the Irish Parliament, by its appeal to the English Parliament to take over its functions. All parties were implicated in this, and, whatever the defects of the Irish Parliament were, its composition involved men of all parties, of every class in the community. Some classes might have undue representation, but never in the three Kingdoms was their an assembly which managed to embrace so many different classes, owing to the variety of its constituencies, and the complications of registration law. This abdication was unanimous. In 1641 the English Commons had a standing Committee to manage Irish affairs, to which every Irishman who could not get his way in Dublin appealed. In 1642 the English Parliament passed an Act escheating hundreds of Irish estates. "By false suggestions" ran the plaint of a petition to Charles, signed by many who had appealed to the English Parliament in 1640, "an Act of adventurers, 17 Charles, had passed in England, whereby the Irish unsummoned and unheard are declared rebels and 250.000 acres of their land disposed of".[3] At the Restoration it was a recognized constitutional maxim that the English Parliament had only to mention Ireland in an Act, and that Act operated in Ireland. Thus ended the state of affairs, whose glories Eustace had sung but a year before. "Your Excellency, England cannot make laws at this day to bind our estates without our own consent, a very great and high honour, and so to be accounted".[4]

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1) Cowper M. S. S. II—265. 2) T. C. D. F. I. 4. 3) C. A. H. Appendix V—19. 4) H. C. J I—136.

At the end of the eighteenth century the Irish Parliament, by an appeal to force, revoked this logical outcome of its own action. The tide however was too strong. The Imperial power, whose residuum of authority was now vested in nominees of the English House of Commons, held such sway and authority in Ireland that this resolution and Act was a mere flutter of independence, a few phrases on parchment. When the century closed this assembly, perhaps the most brilliant national assembly that ever sat in any country passed away, and Lecky notes with amazement that its end was regarded with complete indifference —nay even in popular circles with applause—from one end of Ireland to the other, save, curious to relate, among the Orange Lodges.

The men who passed these resolutions were not unpatriotic, nor were they men prone to submit to dictation from across the water. Many of them were "on their keeping" before the year was out. They were however the mere puppets of blind forces and elemental interests. Behind each man who voted for the abdication of the Irish Parliament were angry, furious, and covetous forces, clamouring for this or that "particular end at the expense of the common weal". Ulster Planters, Down Puritans, Militant Priests, Connaught landlords, small holders in Connemara, remnants of feudalism in Clare and Tyrone, Castle officials, corn exporters, and blockade runners, a whole host of particular interests, clamouring to push aside the iron hand that held the fretful realm in awe, daring to do so because in England great men had turned to rend the Deputy and shake the Throne, each fearing the other might first get the ear of Pym. These appealed, and appealed with fervour, to the rising power in England to "come over to Ireland and help us" The two hundred and forty members who "put their hands" to this new departure were but doing what they were told, following the lead of the 93 who had laid down the precedent, when they passed the snap remonstrance in a thin house.

In the meantime the crash had come in England. Strafford had arrived in London "with more dangers beset than ever any man went without of Yorkshire". The Parliament was sitting, the Parliament, as Clanricarde had said a few weeks before "that will pay for all". Sir John Clotworthy, the leader of the Antrim Puritans, despite the fact that he "was utterly unknown in Eng-

land was by the contrivance and recommendation of some powerful persons" returned for the boroughs of Bossiny and Malden.[1] The election for Bossiny was challenged, and declared void.[2] There were two other significant returns for English Boroughs. Lord Cork's son, Dungarvan, was returned for Appelby, and Ranelagh sat for Webbley in Herefordshire.[3] The latter had got special permission from the King to come across to England, on the representation of Hamilton, Arundel, and Vane.[4]

A motion was made by Pym that a Grand Committee should take into consideration the misgovernment of Ireland, owing to "the complaints of the King's subjects in Ireland, who had come to this Parliament for relief", a phrase significant of much. It was seconded by Sir John Clotworthy "in a speech wherein, though he did not name the Earl of Strafford, yet the pointed reflexions were so easily interpreted that the whole House knew he was the person at whose head the thunderbolt was levelled".[5] On a division it was carried by the tiny majority of 13.[6] On the 11th Pym moved Strafford's impeachment. The House agreed to proceed, and a committee was ordered to "withdraw and make a charge. The retirement was only pro forma, for they had all the charge ready".[7] The message was delivered to the Lords that the Commons intended to impeach Strafford before them. The messengers had hardly departed, when the folding doors opposite the Throne parted, and the Lord Lieutenant entered with his head lowering forward, hands clasped behind his back, striding towards his seat with that frown on his countenance he ever assumed before the gaze of his fellow men. Instantly the cry of "withdraw" arose, and that moment he knew that the end was come. He turned and went back to the bar, and there knelt to hear the pleasure of the House, "I sitting in my place covered", as the Earl of Cork commented.[8] The Chancellor recited the message of the Commons and he was commited to James Maxwell, the Usher of the Black Rod, who demanded his sword in a loud and stern voice. Then he was escorted forth to the Tower, "none doffing" as he passed. One writer adds "not without the scorn

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1) C. H. I—98. 2) R. P. IV—88. 3) R. P. III—2, 9. 4) R. C. —231. 5) Nals. II—5. 6) R. P. VIII—1. 7) Nals. II—7. 8) L. P. I. S. V—164.

of the insulting multitude", but, as yet, that hydra was not interested in this affair beyond curiosity.[1] "A small thing I assure you" he gaily remarked to an acquaintance as he waited for his carriage. "Yes. Treason is a small thing" came the tart reply. Then he vanished into the Tower, where we read that he "is very jocund, makes his servants new liveries and hath chosen that seat where Mr. Prynne always sat when he was prisoner there, and bows reverently at the Altar. He shews no fear of the new axe Lord Cottingdon caused to be made lately, whilst he was Constable and adorned it with silver. This day the news is certain that the Deputy of Ireland, Sir Christopher Wandesforde is dead. Upon the first word he received of the Lord Lieutenants' accusation he swooned and died a few days afterwards."[2] His nephew who was with him when he died describes his complaint as the fever. Other authorities however add that it was worry and overwork.[3]

"The loss of my excellent friend the Lord Deputy afflicts me more than all the rest, by how much I have in my own esteem far more to lose in my friends than in myself". Thus wrote Strafford.[4] Certainly Wandesforde was a curious man to be obtruded into the Irish hurly burly. He cared nothing for politics. Horses and farming were his sole delight. All his letters reveal a man, anxious to get through the world quietly, punctilious on points of honour, yet anxious, very anxious, to compromise with the wild men, and get back to his bucolic retreat in Castlecomer, to drink a cup of wine with Father Roche, "who is a good Priest and I am a good fellow".[5] "My affection to the person of the Lord Deputy, purposing to attend upon his Lordship, carried me along with him whithersoever he went, and no premeditated thought or action". So he wrote in his advice to his son never to meddle with politics.[6] His great achievement was his plantation in North Kilkenny and Carlow which was supposed to be the most efficient in Ireland. In his will he drew up a scale of compensation for any of the local residents that his Executors might displace at any time. His nephew said of him

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1) Cowper M. S. S. II—262. 2) Cowper II—267. 3) Lodge Irish Peerage III—198; R. C.—230. 4) L. S. II—414. 5) Ormonde M. S. S. I—41—45 R. C.—242. 6) Wandesforde. "Advice to his son" Ed. Comber 1777.

that "the people in the street bemoan his loss and praise his goodness", and a tradition has survived that he was the only Englishman on record, over whom the native population raised their traditional lamentation.[1] The fury of times however was such that his impeachment was a moral certainty. The articles which were to have impeached him along with Radcliffe were delayed and thus was he "Felix opportunitate sua mortis". He had a great influence over Strafford, and it is very probably that it was his moderating control that saved the Lord Lieutenant from rushing into many a disastrous extreme.

The Irish Executive was now in a desperate plight. Northumberland was furiously agitating to have Leicester made Lord Lieutenant, threatening the King with exposing Strafford, and in the end succeeding by throwing in his lot with the Parliamentarians, who procured for him the appointment. Leicester however never set foot in Ireland and, in the meantime, Lords Justices had to be appointed. Mountmorris made out a very good case for himself, but could find no one to support him.[2] Cork and Wilmot had a large following but the King looked askance on this doctrine of "the spoils".[3] In the end he solved the problem by appointing Lord Robert Dillon, who was a Straffordian, and Parsons who, at any rate, knew the tangled ropes of the Irish Executive. The agents however of the Irish Parliament were immediately up in arms against Dillon. He was a strong man with a following, and it is always a tradition in Irish politics that the Government must be weak, and therefore more liable to what is commonly called "pressure". The very fact that he was one of the trustees for the Loftus estate was enough to set the Ex-Lord Chancellor on the warpath, who was determined at all costs to get that estate into his clutches. If one of the trustes was also Lord Justice, farewell to that hope.[4] The King demanded reasons. After some demur the agents produced a petition to the effect that he had been associated with Strafford's Government.[5] After a short reign of 15 days old John Borlase, the Master of the Ordinance, was appointed in his

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1) Dict of National Biography; English Historical Review IX p. 551. 2) C. L. M. II—665. 3) Egmont M. S. S. I—122. 4) C. S. P. 1625—1660 p. p. 575—7, 806. 5) C. S. P, 1625—1660 p. 234.

stead.[1] He was always a sleeping partner, the Government devolving on Parsons, who, provided the routine of the Castle was daily performed, thought that Ireland was well governed.

The famous resolution of the Irish Parliament created a great sensation amongst simple minded people. It was passed four days before the impeachment, and arrived a few days after. "The Parliament of Ireland is sitting", wrote the Rev. Mr. Baille. "A remonstrance from them without any acknowledgement of things done here, came this day to the King, which they say has calmed him much and turned his mind".[2] It is to be feared the Remonstrance was not the simple coincidence it appeared to the Reverend Mr. Baille. Parliament then petitioned the King to allow free egress of all Irish subjects to England, which being done, we learn that "Mr. Whistler reports from the Grand Committee for Irish affairs that there are many petitions and full matter of complaints from Ireland and suitors here for justice".[3] He who feels so disposed can read these petitions. The great mass of them were invocations to Parliament to upset the decisions of the Irish Courts in agrarian matters, everyman who had failed to convince a judge and jury of his right to his neighbours' land, now seeking relief from the rising power at Westminster, always prefixing his appeal with strong assertions of his eternal belief in the sanctity of Parliaments, and sometimes suggesting that the owner of the land in question held unorthodoxe views on this sacred subject.

Nor was the atmosphere of Parliament conducive to the calm of the Majesty of the Law. "Sir Walter Earle was making a report of a design to blow up the House of Commons, whereupon some standing up to hear the report, a board in the gallery broke and gave such a crack that some apprehended the House was blown up indeed, and Sir John Wray crying out 'he smelt gunpowder', they hurried out of the House and frightened the people in the Lobby, who ran into the hall crying out the Parliament House was falling, and the members slain and the people running in confusion, Sir Richard Maunsell drew his sword and bid them stand for shame".[4] "Tumults" were many and frequent, due to

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1) C. S. P. 1640—248. 2) S. T.—216. 3) R. P. VIII—10. 4) Nals. II—191.

the vast throngs who assembled with petitions. In these surroundings did "Mr. Cope of English parents and of a great family petition for recovery of an Irish estate of great value" and Mr. Pym with a stately austerity replied that the delay in doing justice to Mr. Cope had arisen because "the Gentlemen who used to be in the chair for Irish affairs was out of town, and had most of the petitions with him".[1]

The Committee that carried over this Remonstrance and subsequently remained in England "for redress of grievances" was of a varied composition. There was Sir Donogh MacCarthy, a near kinsman of Lord Muskerry, "a man of power" in West Cork and Kerry, member for Cork, one of the last of the Southern feudalists, destined to be a leading light in the Catholic Confederation. There was John Walsh, member for Waterford a large landed proprietor in Tipperary, who in good time, saw to the withdrawal of the Plantation of Ormonde, also a leading light in the Catholic Confederation. There was Sir Nicholas Plunkett of Meath, an Ultramontane man, very zealous for religious rights subsequently "rising out" in defence of "the King and the Roman Catholic Church", hostile nevertheless to the King's Deputy and the King's Government.[2] There were three sturdy men from Connaught, Thos. Bourke, Roebuck Lynch, and Jeffrey Brown, all of whom were not unmindful of an agrarian question connected with their district. There was Sir Wm. Cole of Fermanagh, who had been censured at the Council Board for demanding Recusancy fines instead of contributions, not averse to justice for the Planters. There was Sir James Montgomery, who looked after the interests of the settlers in Down and Antrim, who as we know were, very anxious for "redress of grievances". Richard Fitzgerald, the Deputy Clerk of the Crown, seems to have been the connecting link between this deputation and the Castle officials. When Parsons and Ranelagh drafted the 15th article, accusing Strafford of "levying war" on the Irish subject, it was to Fitzgerald that they despatched this tit bit of official misrepresentation.[3] Edward Rowley of Coleraine voiced the rights of the Derry Merchants, whom Strafford had compelled to pay the same Customs Duties as other towns. Four

1) R. P. III—389. 2) C. S. P. 1642—374. 3) C. S. P. 1634—188; R. C. — 232.

members of the House of Lords seem to have appointed themselves, though they secured a ratification of their appointment in the next session. All four belonged to the Military Roman Catholic Party and subsequently rose out with the Catholic Confederation.[1] As can be seen the deputation was of a fairly comprehensive character, and the concessions they secured were also of a comprehensive character.

It should be remembered that the King was now in a very shaky position. He was almost a slave to the English Parliament. It was accordingly an easy thing for men with "particular ends" to gain their point, especially if they spoke for the Irish Parliament. The cynic will note that none of the concessions extorted dealt with political and religious liberty, but with more mundane matters. The new valuation of the subsidies was first accorded. The resolution torn out by Wandesforde was inserted again in the Journals. The Customs duties were cut down. The tobacco farm which brought in £ 5000 a year was abolished.[2] The feudal dues were restricted. The restriction on the Castle Chamber, almost amounting to its abolition, developed a regular epidemic of smuggling, and naturally did not conduce to law and order. "Rescues and forcible entries", writes a gentlemen from Drogheda, "are so common that it is questionable whether security lie in law or in outrage".[3] These financial concessions were no doubt popular. The results was obvious. The Government were left without money to pay the Army, the arrears and its debts. The standing Army was actually 18 months in arrears, and, by the middle of 1641, it was "living on the country". The Recusant Party objected to its demobilization. The Parliament refused either to pay it, or give its commanders disciplinary powers. Accordingly it "did what was right in its own eyes".

The restrictions on exportation were abolished. Corn, wool, linen, yarn, and timber could now leave the country at all times and at a reduced Customs duty.[4] The result was an instantaneous rise in the price of bread, indignant Ulsterman lifting up their voices and rioting at "the scarcity and the dearth", and laying the blame on the unfortunate soldiers, who, poor men, were, at

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1) C. S. P. 1641 — 261—263. 2) C. S. P. 1640—267. 3) English Historical Rewiew IX — 553; C. S. P. 1641 — 299. 4) C. S. P. 1641 — 269.

any rate, innocent in this matter.[1] The duty on wine was reduced, and a publican's licence was no longer required for the sale of whiskey.[2]

The Statute of Limitations was conceded. By this measure the Revenue lost £ 5000 a year, which it had recovered from the City Corporations on the ground that their right to certain duties was only and old custom and not a law. That power of levying these duties now went back to the Corporations. These bodies only levied those duties on non-freemen, and thus a privileged ascendancy was created in each of the old Cities.[3] The Statute of Limitations gave every man with 60 years possession a good title, irrespective of other claims, Crown, Church, or private. Those accordingly who had honestly come in and compounded before the Defective Titles' Commission had, before their eyes, the pleasing spectacle of other men, in possession of lands to which they had no title, established for eternity, simply because they lay low and then pulled Parliamentary wires. At one full swoop a horde of Crown and Church impropriators broke through the meshes of Strafford's net, and secured for themselves and their heirs for ever large areas, free of rent, frequently on soccage tenures, thus evading the Land Taxes honester men had to pay. They also evaded the tillage covenants and compulsory leases Strafford used to insert in the orders of the Defective Titles Commission. An effort was made to enable Bishops and clergy to alienate Church Lands, but on this point the King was firm.[4]

In the Ulster Plantation all the findings of the Defective Titles' Commission were recaste. Every tenure by Knight's service was altered to a tenure in soccage. Men accordingly who had bought land for hard cash in other parts of Ireland paid feudal dues. Those who had been granted it in Ulster escaped such dues. All Plantation Covenants were abolished. No longer accordingly had those, who had got land for an infinitesimal rent, to till, build, plant, or be liable for military Service. Lastly the right to hold markets and impose dues on those buying and selling therein was restored to the Ulster undertakers [5] Thus

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1) C. S. P. 1641 — 274. 2) C. S. P. 1641 — 283, 318. 3) C. S. P. 1641 — 266. 4) C. S. P. 1641 — 322. 5) C. S. P. 1641 — 327.

did the movement for Parliamentary privileges come to its full fruition.

The end however was not yet. Up to this none of the interests had encroached on each others domains. The time was now come when the greater spoil—the Plantations—had to be shared.

On one side were the great Lords of Connaught, the landowners in Ormonde and Connaught who were suspicious of the integrity of an Land Commission under such a shaky Executive as this, proprietors on whose estates the Commissioners had found Crown and Church lands, holders of uneconomic plots who objected to being reduced to the level of leaseholders on estates not their own, and finally the militant Roman Catholic Party whose hegemony in Connaught was threatened. On the other side were all the official ranks to whom Plantations spelt patronage, the Planter class to whom they spelt estates, probably on easier terms than Strafford would have leased them, and a nondescript body of interests, who had lent money to possible planters, or received bribes from those who expected allotments. The younger Coke was among this latter class.[1] There was also that large body of opinion which held that Plantations neant peace and prosperity.

The subsequent odium theologicum sprang from these two schools of thought. Roman Catholics naturally supported the side of the great Roman Catholic Lords of Connaught. Protestants naturally fell into line with an Executive hostile to this great Roman Catholic interest. There was of course considerable crossvoting. All the tenants in both areas were enthusiastic for Plantations. Hardress Waller, the Puritan General, was opposed to that of Ormonde, because its Commissioners had reported a considerable area, from which the sea had receded, to be Crown Lands, and Waller was the leader of the squatters on that land.[2] Nevertheless in political circles both sides on the whole operated behind religious screens.

The first sign of the rift in this Parliamentary lute was the impeachment of Ranelagh.[3] He had assisted the opposition in the House of Lords. He had assisted the intrigue against Strafford.[4] He had procured a seat in the English House of Commons to

1) Cowper MSS. II — 255. 2) C. S. P. 1641 — 269, 270, 281, 282; R. C — 205. 3) T. C. D. F. 1. 4. p. 25. 4) R. C. — 228.

give evidence against him and take part in its deliberations. He had taken active steps to procure the arrest of Lord Chancellor Lowther and Radcliffe "men more wise and virtuous than himself", as Strafford remarked. "Bless yourself from him"![1] Suddenly he was impeached and arrested, and was so ignorant as to whence the blow came that, for a time, he thought his humble accusers were emissaries of Strafford's.[2] The cause of this assault was that he was the President for Connaught, the head official for the Plantation of Connaught, the man in whose hands lay the power of allocating the new allotments. The charges that were made against Ranelagh were trivial—mere exaggerations with no firm basis under them—and were obviously devised to force him into political retirement at this crisis.[3] Lord Kilmallock and Sir Robert Lynch, the leaders of the anti-Plantation Party, displayed such a zeal in the matter as to arouse suspicions.[4] Suffice it to say that, when the Plantations were abolished, the impeachment was dropped, and Ranelagh emerged again into public life.

Sir Philip Percival, one of the Commissioners for the Connaught Plantation, had also got wind of something stirring, as far back as April 1640, but had the wisdom to make peace with the Earl of Cork, who, when matters developed and his impeachment was threatened, "satisfied the House (English) and to took him off". "I pray Sir, I pray Sir" wrote his cousin "have never any more to do with any of that place more than needs you must". Hardress Waller and Richard Fitzgarrett, two Members of the Committe, held a watching brief for him, and also kept a watchful eye on those other members of the Committee who wished to drive into obscurity any great person who favoured Plantations.[5] Percival kept very quiet, was all things to all men, and lived.

The Committee was fairly evenly divided on this subject, though the desertion of Hardress Waller and John Walsh to the anti-Plantation Party had given that side a majority of two. The King, however, was always firm on the question of Plantations, having very little love for great subjects, great powers, and great possessions. The English Puritan Parliamentary leaders had, as shall be seen, so compromised themselves by previous intrigues with the Roman Catholic Lords of Connaught that they preserved

1) L. S. II — 414. 2) L. S. II — 415. 3) C. S. P. 1625 — 1660. —245—248, 341—343. 4) C. S. P. 1641 — 302. 5) Egmont MSS. I—115, 127, 128.

a discreet silence on the matter. In the meantime the political situation had altered. Charles was harking back to Strafford's policy of mobilizing the Irish Swordsmen. The Dublin Executive had now assumed a Puritan complexion. The Irish Parliament was fraternising with the English Parliament. Forgetful of Strafford's reiterated warnings never to trust an Irish feudalist with armed men, never to mobilize armed men in Ireland, save under the strictest discipline, and under officers having their dependence on the Crown, Charles began to entertain the idea of using the Irish Lords, their levies, and the remnants of the Irish Army to recover the ground he had lost. Sir Adam Loftus, one of the last of the Strafford tradition, penned the following lines at the height of this affair, which gives a glimpse of the follies of the period. "I hear that several people here—I think it is the Connaught men—intend to offer the King to maintain the new Army for a year. This doubtless is a fearful plot to work the King to certain present ends and then leave him in more distress and undo this poor country".[1] This explains where the King was drifting, and what offers the Connaught agents were making to him.

Bourke and Plunkett, who seem to have taken this business under their charge, secured a private interview with the King. The rest of the Committee were aghast and furious, holding such conduct to be a "prejudice to the general business", i. e. reduction of taxes etc., and a furtherance of "particular ends". At that interview this bright pair secured the abolition of the Connaught Plantation. "To conclude Sir", wrote Colonel Barry, "I fear me when they come thither you shall hear them accuse one another and in the meantime their business suffers by the means of their difference".[2] The officials in Dublin were raging. In a series of despatches, in which we can trace the expert hand of Parsons, they wrote to the King probably the most powerful defence of the Plantations ever penned.[3] It was only now it began to dawn on them that, in intriguing with the Connaught Lords and the English Puritans to get rid of Strafford's control of the Plantations, they had also got rid of the Plantations. Worse however had yet to come. The Royal Letter establishing the Connaught

1) C. S. P. 1641. — 279. 2) Egmont MSS. I—129. 3) C. S. P. 1641. —275—278, 282.

Lords in full ownership of their areas was accompanied by another letter abolishing the Plantation of Ormonde. How this was procured is a historic mystery. Ormonde and Inchiquin were both in favour of this Plantation. In other words the class that was usually hostile to Plantations was favourable in this case. Ormonde was not like Connaught—a feudal compound, tenacious of ancient rights and hostile to strangers. It was, as it were, a different civilization, anxious to have the land question over and finished, anxious to have every title established, and men of capital introduced on the escheated fourth. As far back as 1630 Percival had reported a unanimous local desire on the part of the minor men to escape their "black rents" to Ormonde, "being poor and weary of their present condition".[1] The Earl of Cork too, who was secretly hostile to this Plantation, for local reasons, had noted that the inhabitants of this area "had so cast their eyes upon the prosperity of some late plantations, as they would more willingly embrace it than be subject to the King's tenures and to service and payments to the Earl of Ormonde".[2] During all this period there is no trace of any strong party demanding its abolition.

In 1643 the English Parliament published a manifesto of complaints against the King. One of the articles denounced his favouritism of Popery by giving way to the abolition of the Ormonde Plantation. "The Irish Committee had no particular direction to mention this. Neither did they attend his Majesty to complain thereof".[3] This resolution casts a lurid glare on the methods of the times. If the great justification of Plantations was the introduction of Protestant Planters into a Roman Catholic compound, why did the Parliamentarians make this point in regard to Ormonde, whose two greatest men, Ormonde and Inchiquin were Protestants, and remain silent in regard to Connaught, the overwhelming majority of whose Lords were Roman Catholics. One would have thought that the Royal Prerogative had erred more in regard to Connaught than in the case of Ormonde. In the case of Connaught the mouths of the Puritan leaders were sealed. The price they paid the Connaught Members for passing that Remonstrance against Strafford was a

1) Egmont MSS. I—65. 2) L. P. 2. S. III—164. 3) R. P. IV —346, 347.

guarantee of the abolition of the Connaught Plantation. "The Parliament is coming that will pay for all" was Clanricarde's boast as he walked from Strafford one night at Whitehall. How did this Roman Catholic Irish Peer know so well the intentions of the Parliamentary leaders? How was it that the Puritan Members of the Irish Committee could not induce the Parliamentary Leaders to bring pressure to bear on the King to preserve the Connaught Plantation? Hence this wrath over Ormonde, whose abolition is a mystery, and this silence over Connaught for whose Plantation one would have imagined that the Puritan Leaders would have "wracked Heaven and Hell"?

The Irish Parliament in the meanwhile had been asserting themselves joyfully. They had seized on Strafford's tobacco stores, and sold them at less than cost price to deserving public men.[1] They had impeached at least half the Irish Executive. The effect of this was that Strafford, Bramhall, Ranelagh, Radcliffe, Bolton and Lowther were awaiting trial. Wandesforde was to have been impeached, but the articles against him did not arrive in Dublin in time. As regards Bramhall, the Bishop of Derry, Bolton, the Lord Chancellor, and Lowther, the Lord Chief Justice, the impeachment was a very half hearted affair. There is evidence that all the opposition wished to do was to paralyse the experienced officials at the moment that they were pressing the King for concessions. The articles of indictment are very vague. Captain Mervyn's flamboyant oration denouncing them contains nothing but phrases like "These persons resemble the opacous body of the Earth, interposed to eclipse that light and vigour, which the sober aspect of His Majesty would communicate unto his subjects".[2] Radcliffe's impeachment in England was aimed at keeping him out of the witness box during Strafford's trial. None of these impeachments ever matured. Minor officials, however, associated with Strafford, were in some cases arrested by Parliament.

At one time the House of Lords could not meet because the Lord Chancellor was a nominal prisoner.[3] When the authorities declined to suspend the administration of the Law because two of the Judges were impeached, the Commons threatened "to make

1) R. P. VIII—411. 2) R. P. III.—215—220. 3) C. S. P 1641—258—260.

a public demonstration against the two Judges if they appeared in Court". This was averted by soft words.[1] On another occasion they exercised a dispensing power as regards the Statutes of Trinity College, which forbade students to appeal to extern bodies, received and applauded the petition of half a dozen students, who had not been appointed scholars, and ordered the Board there and then to acceded to the demands of these young men. On the same day they demanded that a Judge they did not like be prevented from going on circuit.[2] To facilitate the prosecution of Strafford they repealed the famous preamble to the Subsidy Bill, it being so profuse in compliments as to embarrass the Parliamentary lawyers in the case they were vainly endeavouring to make against the Deputy.[3] As Lord Slane put it "all the grievances we have voted are not to any purpose as long as that preamble remains in force".[4] In fact the number of their previous resolutions that they repealed was legion. So alarmed were the remaining members of the Council at these developments that they refused to put their hands to any Act that might cause trouble. "The authority of the State is quite lost".[5]

A more serious phenomenon however was the effort made to secure a judicial function. The King put his foot down and refused to accord this, but Parliamentary ingenuity soon overcame that difficulty. The method employed was to encourage petitions, then pass an ordnance decreeing that the petitioner was entitled to this or that estate, threatening the existing owner with arrest for contempt of Parliament if he did not give way. Lord Lambert succeeded in getting a following, which passed a resolution to the effect that he was entitled to some land of Lord Cork's. That veteran statesman, who was basking in honor and glory in London as the champion of Irish Liberty, had to pack up and hasten across to Ireland to preserve his property from this development. There he learned that Lord Roche had accused his son of murder in the House of Lords and was demanding a State trial.[6] The ghost of Strafford must have smiled grimly at these performances and at Lord Cork's perturbation.

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1) C. S. P. 1641 — 289. 2) H. C. J. I — 187. 3) C. S. P. 1641 — 265, 266. 4) T. C. D. F. 1. 4. 5) C. S. P. 1641 — 279. 6) L. P. 2. S. IV — 208 — 213.

When the news however of the Plantation arrangement arrived matters became serious. It was not for this that the Planter, Official and Mercantile Members had sung Ça Ira. Sir Adam Loftus, who regarded all these performances with an air of gloomy detachment, having very little respect for any party, described the reception of that item of news as follows: "I find the Protestant party much disgusted with the course held by the other party in their retrenchment of His Majesty's due profits, and pressing too near upon the honour and power of the Government, and they say it is no part of their desire to hinder the Plantation of Connaught, but the endeavours of a few Members of that Province for their own private interests. It is likely there will be a division between the Papists and Protestants, the endeavour of the one being to lessen the power of the Government and hinder the growth of religion, the other desirous to uphold the power of the State".[1] From this we may deduce that the gathering of interests that called themselves "the Protestant party" had consolidated their hold on the Executive, and the gathering of interests that championed the other religion were anxious to weaken the Executive, as it was not in their power. This was in the middle of June. In July the split had definitely arrived. Parsons writing to Cork said "Our Parliament sits still, and hath yet done nothing either for King or Country". Its activities were chiefly devoted to committing respectable men to prison for disobeying its ordnances. "Great division there is now between the Papist and Protestant, and they are in great danger to break in a short time. I let them alone because I see no great danger".[2]

Suffice it to say the Parliament had lost caste. The millenium had not come. Too many "particular ends" had been served. Too many "particular ends" had not been served. The Lords of the Pale had expected that the new regime would make them the King's Ministers in Ireland, and that the Executive would be at their disposal. Parsons and his friends had forestalled them. In Ulster the Celtic feudalists were asking where they exactly came in. If Connaught Lords could get estates, City Fathers their "exactions", planters their market dues, and rural gentry their

1) C. S. P. 1941. — 303. 2) L. P. 2. S. IV—209.

feudal dues, what did the Ulster dynasts get out of this? To a man like Phelim O'Neill with 10.000 acres a reduction in the cost of an oustre le main was nothing. Their aims were higher and the hand and the public opinion that held them was gone. Thus spake Phelim O'Neill justifying his appeal to arms. "Overwhelmed in debt, the smallness of my estate, and the greatness of the estate my ancestors had, and how I should be sure to get it again, and moreover the maintaining of the Catholic Religion".[1] In Antrim and Down the Scotch settlers found that the Established Church still reigned, and that the successful rising in Scotland had not benefitted them one whit. Any spoils that had been divided had gone to other men.

A great Nonconformist petition engineered by Sir John Clotworthy had we may be sure not assuaged their temper.[2] The reiterated rumours of an Argyle invasion also added to the state of unrest among a population, who regarded Argyle as a second Joshua. The rise in the price of corn had only aggravated the temper of that very turbulent corner of Ireland. In April there had been riots. They had been suppressed by the soldiers. The Army however was now being disbanded as a danger to the country.[3] In Connaught the failure of the Plantation had left all the minor men—now tenants at will for eternity to the Lords—in a state of unrest, and the concession made to the Connaught Lords had roused the hopes of the restless O'Byrne's. They too departed for London to get Strafford's Wicklow plantation torn up by the roots.[4] They failed however, and returned muttering many things. Munster alone was quiet. Sir Wm. St. Leger kept watch and ward as best he could, soothing differences, encouraging the moderate, and frowning ferociously on the men of blood.

The situation however was critical. The Government was in the hands of one group and was not strong enough to impose its will on the rest. All these elements, unable to get their own way by constitutional means, were meditating the alternative method. In the meantime this is what was going on in Parliament. Mr. Foster reported the following dialogue as occurring in the City.

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1) Gil. I—501. 2) P. R.—82. 3) C. S. P. 1641—271, 213—275. 4) C. S. P. 1641.—285.

"Mr. Terence Magrath: You owe me £ 100. I must have it within 14 days.

Mr. Foster: I won't pay you now.

Mr. Magrath: You're a rascal.

Mr. Foster: Have a care. I'm an Alderman of this City and a member of Parliament.

Mr. Magrath: I don't care . . . . for you or your associates.

Magrath then drew his sword, stepped three or four paces into the entrance of my house, and I verily believe and think that if Captain Burrowes hath not been present the saith Magrath hath killed me.

It is ordered that said Terence Magrath Esq. be forthwith sent for by the Sergeant at Arms.

Mr. Thomas Johnson likewise moved that Magrath said that if all the Members of the House were contained within him, he would do what he did."[1]

The opportunity soon came. The King began to look to Ireland for aid against the Parliament. Vague ideas of using the Irish Lords and the Irish Army were mooted across the water. The "New Army" had been disbanded on the urgent solicitation of the Irish Executive and the English Parliament.[2] The swordsmen were to go abroad under well-known Colonels. This emigration was suddenly countermanded. Even those who had marched to the ports were beset by energetic friars telling them "there would be a war at home soon".[3] The Executive were alarmed, seriously alarmed, and those who were behind this affair in England had not the vaguest idea what weapons they were using, with what passions they were playing, over what shifting quicksands they were complacently striding. The Earl of Antrim seems to have been the emissary.[4] In a foolish moment he revealed the idea to Phelim O'Neill, titular head of the ever restless O'Neills.[5] Before Antrim's plot was even worked out in details, this party tried "to get the start" by making an abortive effort to seize the Castle and capture the store of arms therein. The capture was to be the signal for a rising. The capture failed but the rising came off, and what a rising! In one week all the landless men of Ulster,

1) H. C. J. I—312. 2) C. S. P. 1641.—297. 3) C. S. P. 1641. — 307—310. 4) C. A. H. Appendix XLIX. 5) "The Irish Rebellion". Hugh O'Reilly. 1680.

all the decayed gentry, and the few remnants of Ulster feudalism were at the throats of their neighbours, sparing neither man, nor woman, nor child. At the same moment the O'Byrnes broke out and the bones of many a Wicklow farmer bleached on the hillsides.

This was the "Sicilian Vespers" Carew had prophesied. Imagine Ireland with no Government at all, the religious question at full blaze, the land question again in the melting pot, great men bragging of great support from across the water, priests preaching angry jehads, and finally as a bait to the submerged tenth, the land of Ulster, imagine all this and the wonder is not that the massacre was so terrible, but that all Ireland did not in twenty four hours revert to the age of the cave dwellers. No juggling with figures can minimise the slaughter that ensued, the furies, miseries, savageries and rapacity. Five years later whenever an Irish captain surrendered he always agreed that those who had taken part in this were to be exempt from quarter. The incident stands out as one of the most terrible examples in history of what follows when the zeal of men for their "particular ends" tempts them to overthrow the Status Quo by appeals to force, forgetting that all communities from Empires to village communes depend on the mutual trust that each man has in his neighbour.

The Ulster revolutionaries seemed to have some vague idea that the Scotch settlers in Down and Antrim would join with them in this jehad, based no doubt on verbal promises and a common antipathy to the Status Quo. It is to be feared this did not mature. The Scotch settlers had their own ideas of who should own Ulster, and as soon as they got reinforcements from Scotland they struck out for themselves, ran up a standard of Scotch independence wherever they could, and drove their swords into the bodies of native Roman Catholics, Royalist Protestants and Parliamentary Puritans with the utmost impartiality. Parsons lost his head completely. Having taken no steps whatsoever, despite reiterated warnings either to mobilize friendlies, or keep an eye on possible sources of danger, as soon as the Castle plot was discovered and suppressed, thanks to Borlase, he even aggravated the situation either by slackness where energy was needed, fury

where caution was required, and ostentatious panic where a calm exterior was required to soothe the popular alarm.

St. Leger's comments from Cork on his conduct are more scathing than those directed against his more ferocious neighbours.

November 5. I must tell you that the Proclamation of the Justices was not well advised, for my end should have been to have settled the humours of the people and this has wrought the contrary effect. They were bad before. Now they are ten times worse. I read this proclamation to O'Sullivan. At the reading of the words "ill-affected Irish Papists" I did never in my life observe more venomous rancour in any man's face.

November 8. I do find that all at Dublin are frightened out of their wits. It is impossible that Dublin could be taken by a parcel of naked rogues; you are as safe as if you were in London. I am sorry to hear Parsons has sent away his children. It is the unwisest thing he ever did. Next sending for all the Soldiers in this Province. What can they imagine it will be possible for me to do with one troop of horse?

November 13. They have taken all the companies we have except three. Nothing can be expected at my hands if an insurrection should happen. All those insurrections of the North are not worth consideration, for if they had been handled and pursued as they should have been with the standing army they would have been by this time utterly routed and defeated. I hear the Lords Justices have disfurnished the store to arm your neighbours. To put all our strength of arms into the hands of another religion, religion being the pretence of the war, is a thing I confess beyond my understanding.

November 22. There are some friends of yours and mine that have very much to answer for and especially for parting with the King's arms and leaving the Protestants of the Kingdom unprotected, unto whom they have left no manner of defiance but my poor carcase. There might be better use made of me in these times than wilfully to expose me to the rage of a multitude.[1]

Only for St. Leger all the Southern Towns would have been sacked and Cork and Youghal laid in ashes like Bandon. As it was all the ports were thronged with starving refugees, who found

1) Egmont MSS. I—142—157.

in them a temporary haven "naked and miserably afflicted with cold and hunger".

All Ireland slipped back into primitive chaos. That fatal proclamation of Parsons about "the ill-affected Irish Papists" gave men the handle that they wanted to further inflame the multitudes, forcing into the ranks of anarchy men who would otherwise have quelled the storm. The Lords of the Pale instantly "flew out" with a war cry of religion in danger. Between them and the Ulster dynasts there was a deep gulf. The former ambitioned to depose Parsons and govern Ireland themselves, to seize on the sword of State. The latter were aiming at the re-establishment of the monocracies, each little kingdom independent, as in the good old days their fathers had cursed and destroyed. The militant Roman Catholic Party visualized a clerical state, like Paraguay, and found themselves soon entangled in a curious mesh of difficulties they had never anticipated when they raised the fiery cross. They came right up against the Land Question. How many great peers owned Abbey Lands and minor men leased Church lands? Charles had been driven out of Scotland on that question, was fast losing England for his stand on the impropriations, and this was the subject that had largely contributed to the fall of Strafford. At the mere hint that the rising power of the priesthood intended to re-open this question all hope of uniting two-thirds of Ireland on a religious cry vanished. Here are some of the despatches sent to Rome by disillusioned friars: "Connaught joins not heartily with our Catholics". "There is no more hopes of any goodness in this country than there is in Barbarry. All the nobility are against us". "We fear that among those that seem to support our cause there are to be found some who are so covetous of goods ecclesiastical as that for a trifling profit to themselves they had rather see the Monasteries of the very mendicants desecrated by the laity than restored to their orders, cloaking their impiety by the false pretences of the Bull of Cardinal Pole that they are become of lay right. Wherefore we are still wrongfully shut out from our houses". "Ireland seems never to have been so prolific of damned earls. If by apostolic decree their posterity should be excluded from inheritance it would help somewhat". "We have passed a decree that our monasteries be restored to us. Most hostile to us on this occasion

were my cousin of Cashel and the Bishops of Waterford and Cork, who convenerunt in unum contra nos as malcontents".[1]

In twelve months Ireland had dissolved into primitive chaos, primitive but not pacific. The variety of the armies was wonderful, and the banners under which they marched even more wonderful. Inchiquin and Broghill each raised healthy and vigorous nomadic bands who fought for the English Parliament and were enthusiastic upholders of Puritanism. The names of some of their Munster captains are not such as one usually associates with Puritanism. The Scotch settlers changed their colours with bewildering frequency. Wicklow sided with the Catholic Confederation, sometimes with Owen Roe O'Neill, and at one time appears to have been Royalist. Local and other conditions even drove wedges into the ranks of the Roman Catholic hierarchy, and the Bishop of Meath found himself denounced by indignant friars as "a heretic".[2] Kerry and West Cork carried on a desultory warfare of their own. The Connaught Lords devoted all their energies to coping with a local land agitation, not daring to side with any party for fear the opposite side might put itself at the head of their tenants. Besides "Clanricarde by reason of his great interests in England" had to "play the neutral mediator".[3]

For generations these contending elements had become accustomed to the idea of obeying an external Power, which was not implicated in their differences. At one full swoop it had been destroyed. There was no Power in Ireland able to absorb and overcome the rest. The multitudinous chasms between each and everyone, racial, feudal, family, economic, agrarian, religious and historic were vast and impassable.

The ease with which Cromwell swept over the country is easily explained. The combatants were exhausted, and human nature always flees to a military dictatorship to escape the horrors of anarchy.

The Parliament still sat in Dublin. Before this outburst it was helpless. Its failure to cope with the situation on the downfall of Strafford was humiliating. It had the ear of the King and the ear of the English Parliament, and all it had done was to paralyze all government, extort scandalous concessions, become

1) Franciscan MSS. — 180, 189, 217, 218, 236. 2) Franciscan MSS, —158, 167. 3) Franciscan MSS. — 132.

the sport of factions, and intimidate the subject. Never again was it destined to achieve such power.

It is just possible that if the times had been a little quieter it might have developed into a different organism. Strafford certainly never tampered with its integrity by bribes or intimidation. If he had done so or done anything to let people believe he had done so it would have come out at the trial. In the discussion on the pleadings two witnesses alleged undue influence in Parliament. Sir John Clotworthy described how when he gave a hostile vote Radcliffe said to him "Remember you hold a lease". Nicholas Barnewall went a step further. He accused Radcliffe of threatening to billet 500 Soldiers on him for voting against the Government.[1] This latter story must have been untrue. The Irish Government had no such power, save in cases of outlawry or non-payment of debts. What makes these two stories so suspicious—they were not put into a charge, but simply related to create an atmosphere—is that the prosecution had deliberately impeached Radcliffe so as to keep him out of the witness box, and in his absence tales of this nature were recited to the prejudice off Strafford. Strafford treated them with contempt. "The examination of Sir John Clotworthy" he said "does not concern me. Mr. Barnewall was for things spoken when I was out of the Kingdom, and were concerning Sir George Radcliffe and not me".[2] These are the only two allegations ever made of undue influence on Strafford's part towards his Parliaments, and they are so flimsy and suspicious as to be negligable.

Strafford has been censured by historians for the iron attitude he adopted towards its pretensions. When he was gone men realized what it was he was trying to prevent—the control of the people's assembly by corrupt interests. If he did not control the House others would, and he never used undesirable means or controlled it for undesirable ends. In his eyes the Irish Parliament was an assembly with the right to petition, and the right to veto the proposals of statesmen. Beyond that he would not allow it to go. The initiative and the Executive were the King's prerogative. "He always disliked" says Radcliffe "the abuse of regal authority to the oppression of subjects, for private ends and

1) R. P. VIII — 110, 112. 2) R. P. VIII — 126.

interests, yet, it being most hard and difficult to keep the interests of the King and People from encroaching one upon the other, the longer he lived his experience taught him that it was far safer that the King should increase in power than that the people should gain advantage on the King. That may turn to the prejudice of some particular sufferers . . This drew with it the ruin of the whole". [1]

Once at his trial he burst out into a purpureus pannus on this theme. "According to the fundamental law of the land the Crown hath a part as well as the propriety of the subject. If the propriety of the subject, as it is,—and God forbid but it should continue—be the second, undoubtedly the prerogative of the Crown is the first table of the Fundamental Law. It hath something more imprinted on it. It hath a divinity imprinted on it. It is God's anointed. It is He that gives the Powers. Kings are as gods on earth, higher prerogatives than can be said, or found to be spoken of the Liberty or Propriety of the Subject, yet they go hand in hand and long may they do so. Long may they go in that agreement and harmony, which they should have done hitherto, and I trust shall be to the last, not rising one above another in any kind, but kept within their wonted channels. If they rise above these heights, the one or the other, they tear the banks and overflow the heights, equally on one side and the other. Therefore I do, and did allow, and ever shall for my part desire they may be kept at that agreement and perfect harmony, one with another, that they may each watch for, and not any way watch over the other". [2]

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1) L. S. II — 434. 2) R. P. VIII — 182.

PART. III

TRADE AND FINANCE

Chapter I

THE CORPORATIONS

> I do not doubt but by God's good favour to yield your Majesty a good account of my service. None of us have gotten their lands or livings, neither doth the people allege the same against us. These be the practices of those who hate us for our good service and for my restraining of their oppressions in thrusting the subjects forth from their livings. I wish that the practices of Iréland were as well known to your Majesty as they be felt of us, who truly serve Your Highness here. Then should it appear where these bribings are, and who they be which enrich themselves and theirs with great livings and possessions. More than your Majesty's gracious allowance I have not any, and so, humbly craving pardon, and only the continuance of your Majesty's favour till I be heard, I take my leave.
>
> Sir Richard Bingham.

In the early Tudor period the loyal minority were the City Corporations. They were weak and lived by industry, fit rather for prey than for preying. In the Tudor Parliaments they voted solidly and with enthusiasm for all measures calculated to strengthen the Crown, and to deprive the great Lords of their armies, coigne, livery, and great possessions. The burgess families provided no small number of the great officials of the realm. Their young men manned the walls, or came out into the field and fought under the Deputy's banner. The Musters, armed men, ready to rush to arms at a minute's notice, were a great feature of Municipal administration, and the great stand-by of the Crown when the storm blew hard. "The sheet anchor of State which have holden true in all these times" is the official description of these bodies.[1] This is the reason why the Government poured arms into these cities. "All the towns", said an official of the time, "are become storehouses to sell muskets, calivers, fowling pieces, swords, murrians, powder and shot".[2]

1) D. C. III.—527—535; C. S. P. 1589—312; 1592.—511. 2) C. S. P. 1595.—486.

The explanation is simple. As Carew one time put it "the weaker ever pray aid from the State". The City burgesses knew what to expect if a Desmond, an O'Byrne, or an O'Neill entered their strongholds, with wild, hungry, and truculent followers, professional soldiers with their professional attitude towards the possessions of the civilian, be they a hen, a purse, or a daughter. Incidents like this were their justification.

When Sir Edmund Butler attacked the fair at Enniscorthy, "besides the killing and drowning of many people, many prisoners were taken, especially divers of the good women of Wexford".[1] Accordingly we note that when the Crown restored order, one of Butler's comrades, Tirlagh McSweeney, was indicted, and when an acquittal, for reasons of State, seemed imminent, "I thought", said the Judge, "the rude multitude would have plucked me from the Bench and torn McSweeney to pieces".[2]

In 1580 too the Kavanaghs were "in companies waiting and espying upon the merchants of Wexford, spoiling many of them". The Sovereign of the Town complained to the Crown Seneschal. The Kavanaghs were promptly raided and 60 "killed or hanged".[3] This is the reason why Dublin had something very like conscription amongst its citizens for defence. In 1597 it sent "sixty to serve her Majesty in the Wars", posted its walls with sentinels to watch "the rebels lurking near the city", and offered men and money to pacify Wicklow, a County which had plundered its caravans, and slit the throats of respectable City fathers.[4] Cork City "watched their gates hourly against the Irish outlaws nor suffered any stranger to enter the City with his weapon", swore "to resist any treason or hurt towards our Sovereign", boasted that "it did not fear all the Irishmen and English rebels in Ireland", and prayed Elizabeth for "one falcone and demi-culverin" to ward off "pirates and Irishmen".[5] Waterford "had willing minds to further her Majesty's service in every respect", aye even to the point of lending money to the Queen.[6] In 1584 Galway imposed on all its freemen an oath "by the Holy contents of this Book, to be faithful and true to God and our Sovereign Lady the Queen's Majesty".[7] The Cities had excellent reasons for sup-

1) Salisbury MSS. I—417. 2) H. M. C. XV—253. 3) W. H.—184. 4) D. C.—523—536; C. S. P. 1602—671. 5) Cork Corporation. Caulfield pp. IX—XV. 6) C. S. P. 1595—320. 7) Ormond and Fingall MSS.—436.

porting the Crown. The Crown had excellent reasons for supporting the Cities. They constituted the one consistent friend it had in Ireland. The rural gentry veered and chopped and changed. The Cities were "the sheet anchor of the State".

The privileges these cities wrung from the State were enormous. They were as independent as Afghanistan is to-day. They were the buffer states between Dublin and the monocracies. They were no more subject to the Crown than the trans-frontier States in India to-day are to the Raj. They constituted the "friendlies" of the day, who demanded and got their full pound of flesh for the aid they loyally gave. In early Tudor times the King's writ did not even run within their walls, save by the consent of the Corporation. The Deputy had to sue for permission to enter their precincts, and, on occasions, the Corporations made terms as to how many soldiers he could bring within. Within the ambit of their Charter the Mayor and Corporation had power of life and death, of taxation, of gaol delivery, of trade control, of everything that pertains to an independent State, and, in some cases, not even was a contribution paid, save as a favour, to the Imperial coffers. Galway was absolutely independent by Charter. Dublin, Drogheda, and Waterford were exempt from tonnage and poundage by the very Act which made tonnage and poundage the standing revenue of the Crown.[1] The Coquet duties of 3d in the pound had been passed away by the Crown at different times to consolidate the alliance. Waterford and Limerick held this immunity by charter. Youghal wrung it from Henry VII. Kinsale secured it by long lease from Elizabeth.[2] James I. was only imitating his predecessors, when he handed over the full control of the Imperial Customs of Derry, Coleraine, and Carrickfergus, to the controllers of those outposts of trade and Imperialism in the wild and hostile North, then for the first time feeling the effects of Imperial penetration.[3] Dublin officialism had very little hold on those outposts. The administration of the few relics of Imperial power in these fortresses was in the hands of their garrison. "All the towns in Ireland", wrote Sir John Dowdall, "have been bountifully rewarded by her Majesty and her predecessors, and had privileges given them, under letters

1) C. M. S. — 171. 2) C. S. P. 1609 — 268. 3) C. S. P. 1611 — 195.

patent, to be searchers, customers, controllers, and all other offices that appertaineth, with all forfeits and privileges unto themselves, which was a reward they deserved well".[1] Miler Magrath has put it on record that, so far had the Crown devolved its prerogatives on the Cities, that, if it ever wanted to enforce the Recusancy laws in Waterford, it would be powerless. "All forfeitures, belonging to the Prince in that City, are given to themselves by patent, whereby they fear no loss of goods."[2] The Munster Commissioners reported that "their charters and liberties were greater than they are in most cities in England", that they had "passed" a clause "quod nulli alii se intromittunt", and some actually had "licenses to traffic with enemies" which licenses the Commissioners denounced with no effect.[3] To secure the aid of the Cities against the Monocracies Elizabeth had gone near—perilously near—to abdication within their walls. This could not last.

As long as the dynasts were in the field the Cities clung to the Crown. In the case of Dublin there is evidence, startling evidence, that the reason why the Deputies never destroyed the hornets' nest of O'Byrnes in Wicklow was to force Dublin to be loyal to the Crown, lest worse might befall the citizens, if the Crown fell. It should be remembered that, if Elizabethan policy had great aims and great popularity, it had a queer, tortuous, subterranean and unlovely side, rank with the stench of mediaevalism. Great men were asking what would happen when the dynasts fell? Nay, City burgesses were asking where they too stood. Was it not they who had warred down Desmond and Tyrone? Were they not now strong and powerful? Were there not in their Councils abler and honester men who "knew what was good for the people", abler and honester than Archbishop Loftus who took bribes from rebels to release State prisoners, and Lord Deputy Fitzwilliam who took bribes, and did not fulfil his side of the bargain. As Elizabeth's reign drew to a close one can detect a growing anxiety in high places. The Cities were no longer objects of prey. As the dynasts fell one by one, they were meditating a bid for Imperial power themselves, to be the preyers, not the preyed. They were no longer a loyal minority, nor "the

1) C S. P. 1595 — 487. 2) C. S. P. 1592. — 501. 3) C. S. P. 1592. — 10.

weaker ever praying aid from the State". A suspicious zeal for high theology was noticeable in the towns. This was always the first step. Just as a modern interest on the warpath becomes democratic and anxious for liberty, at that period all over Western Europe a man or a class, hostile to the status quo, gravitated towards those doctrines with which the State was not associated. At a later period the Scotch Lords and the English plutocracy became enthusiastic Calvinists. Dowdall noticed that Waterford, "Her Majesty's bed chamber as they call themselves, had seminaries, Jesuits, Popish priests and friars".[1] Magrath said that "the Cities, and corporate towns" were fast becoming recusant strongholds.[2] A lynx-eyed official, in 1590, noted that "the sting of rebellion, which, in times past remained among the Irishry, is transferred and removed into the hearts of the civil gentlemen, aldermen, burgesses and rich merchants of Ireland, papistry being the original cause and ground thereof". He added significantly that "the poor citizens were oppressed by a few rich merchants through usury", reading through the lines of which we may note that the burgesses were now in a position to prey on others.[3] All this was the inevitable precursor of an emeute. When Hugh O'Neill, Earl of Tirone, was meditating his bid for power, it was whispered that he was "altogether governed by Jesuits and Seminary priests", falling away visibly from the doctrines, of which he used to be such an ardent upholder.[4] When the Earl of Desmond was with the Crown he swore to "aid and assist the Bishop to cause the Service of Almighty God to be maintained as is ordered by the law".[5] On the eve of his outbreak we find him urging the authorities to allow him to revive a Monastery.[6] Religion was the weak point in the Imperial Armour. The authorities never referred to it, never mentioned it, never asked an official or a Mayor to take the Oath of Supremacy, and, conversely, he, who wished to assail the Crown, concentrated zealously on this dangerous and embarrassing question.[7] As the Cities rose and throve, and as their rivals, the dynasts, fell away and ceased to compete with them for power, the City burgesses who "in the tenth year of Her Majesty's reign came orderly to

1) C. S. P. 1595. — 487. 2) C. S. P. 1592. — 493. 3) C. S. P. 1590 — 341. 4) C. S. P. 1594. — 282. 5) O. L. — 116. 6) Cork Corporation Caulfield p. XV. 7) C. S. P. 1592. — 501, 502.

Church" began to express doubts as to the propriety of the Reformed doctrines. "First their women grew weary of going to Church, and, that being unpunished, their men left it, and, they being unpunished, the Mayors, Sovereigns, and portreeves, for the most part, left it".[1] These were the men who, when Elizabeth ascended the throne, passed the Acts of Supremacy and Uniformity and the famous Recusancy Statute.

The breach was widening fast along the old traditional lines. The references to the Cities in the State Papers increase in number as the power of the chiefs wanes. In 1591 the Council were ordered to "peruse the Charters of the Cities" and see what loopholes lay in those sacred covenants.[2] The Commissioners reported that their prerogatives were such that they could not be touched, and their "immunities" bound to be an "impeachment to the course of justice". In the report there is a hint that the best thing to be done was to allow the Cities to commit an offence, to overstep their Charters, and then to pounce on them and escheat these prerogatives.[3] When Hugh O'Neill's Confederation was destroyed at Kinsale, Carew wrote thus to headquarters: "Bonfires were made all along the streets, but very slenderly furnished. The townsmen walked by troops of three, four, and five with very sad countenance, so I cannot conclude whether they do more rejoice or grieve for that worthy victory".[4] The "anchor hold of assurance" was breaking fast. The greatest victory Elizabeth ever won produced only "sad countenances" amongst the traditional allies of the Crown. With O'Neill gone the Cities had no further incentive to be loyal. With O'Neill gone the Crown had no further need for the Cities. In fact they constituted the only part of Ireland that was independent. It is significant that, as far back as 1590, the Crown had actually the audacity to empower a tout to search Limerick for Crown lands within its walls. The Corporation petitioned that the warrant be withdrawn. Burghley scrawled across the petition the significant words "Request not reasonable". This was but a pinprick, but straws show which way the wind blows.[5]

On Elizabeth's death they rose. James was not popular in the Cities. It was notorious that he knew more about the re-

1) C. S. P. 1595 — 487. 2) C. S. P. 1591 — 492. 3) C. S. P. 1592 — 10, 11. 4) Cork Corporation. Caulfield. p. XVIII. 5) C. S. P. 1590 — 373.

bellion in Ulster than he should have known, that the Ulster Chiefs who had besieged the towns and "cut off" respectable merchants, had been a little too intimate with the new Monarch, when his hopes of being King were doubtful and allies valuable. Furthermore there was an interregnum in high places. The Cities declined to proclaim James King. They celebrated Mass coram publico, a heinous offence, a practice which should only be entertained in private. They seized on the Churches. In Cork they fired on the troops. As the Deputy marched South, however, wiser councils prevailed. As the Army appeared at the gates of each City, the multitudes dissolved. The cheering subsided. The gates were opened. Save that in Cork a few men were sentenced to death nothing of note happened. In a month the whole affair was at an end. The Cities had overstepped and forfeited their Charters, and now lay at the disposal of the Crown. Never was there such a ludicrous fiasco. Behind the Government they were a power that great men dreaded. Opposed to it they were of less importance than the meanest of the hillside septs. Thus ended the effort of the Irish Corporations to rival the Hanseatic Cities.

It was obvious that these semi-independent States—for such they were—could not and would not be tolerated any longer by the Central Executive, now that it had emerged triumphant, first over the feudal dynasts, and now over the walled cities. All the Government had to do was to call in their charters and this it did. All the Corporations were ordered to repair to London. There their Charters were duly and carefully examined. Such as possessed illegal privileges were deprived of them. Those who held immunities by strict law, prescription and charter, were caught on the other prong of this "Morton's fork". If they chose to stand on the law then so would the Crown. There was not one which had not forfeited its charter by breaches of Covenant. There was not one that was not in debt to the Crown. If the letter of the law was to be the order of the day, then the Crown would also demand its bond, in the shape of either forfeiture or arrears. As a result every Corporation lost the Customs. It lost too the right to nominate the Customs officers. "The Customs in the port towns" wrote the Attorney General, "which for many years past have been subtracted, are now reduced and may be

collected".[1] And also excected and reserved out of this Charter to us and our successors for ever our great new Custom called the Cocket, with the fees, perquisites, and profits, and also reserved the free disposition or grant of the office or offices of Customs— Controller and Searcher". So runs a typical Jacobean Charter.[2] On the other hand the minor privileges were left intact. The power of bye-laws, fixing prices, holding markets, and forming guilds, was retained, but all such powers were now subject to, and not independent of, the Dublin Government. It is obvious that James did not wish to press matters too far. The petty Customs of 3d in the pound—"the petty coquet"— was retained by such Cities as held it by Charter. Even Limerick, whose title to this charge was very doubtful, was allowed to retain it.[3] Dublin, which had no title at all, save prescription, managed to make good its claim for the time being, that there was "bon prescription pur le Corporation de Dublin que ils sont owners del port de Dublin de receiver de touts marchandises en le dit port 3d del pound, car icy est quid pro quo".[4] De Jure, et de pecunia the Crown was now supreme . . . on paper.

This collapse requires explanation. On the Continent Cities had been always a thorn in the side of struggling monarchies. It was the English Cities that overthrew Charles I. The Irish Cities had men, arms, money, walls, and, above all, artillery. Between them there was a far greater bond of unity than between the dynasts. They held the ports and without them the Crown was powerless. Yet, despite all this, they made the poorest fight against the Government that ever a rising class made during the stormy history of Ireland. It is doubtful if the whole affair cost a dozen lives. It is not till we turn to the annals of these Cities that we realize that they were rotting inside, each one seething with a miniature revolution.

While the wars were raging, it stood to reason that dissension never reared its head in these towns. Faction seldom flourishes when the enemy is at the gates. Thus runs an entry in the Four Masters. "The Earl of Desmond encamped and took Youghal. The Geraldines seized on all the riches they found in the town. Many a poor person became rich by the spoils of the town. The

1) C. S. P. 1610 — 452; 1609 — 132; History of Cork. Smith I—418, 419.
2) W. H. — 217. 3) C. S. P. 1609 — 132, 257, 267. 4) D. C. III. p. XVII.

Geraldines levelled the walls and broke down its courts and castles and its buildings of stone and wood. This was done at Christmas". With the fear of this before them the plebeians and the optimi dwelt in domestic, if temporary, harmony. When it vanished they turned to rend each other.

It was not till 1672 that the Constitution of these Cities was altered, not till the reign of Charles II. that the State even demanded an audit of the municipal accounts, which we may be sure did not benefit the plebeians so much as the patricians.[1] The Corporations consisted of a House of Lords and a House of Commons, a Chamber of Aldermen, who sat by themselves, and legislated on petition from a lower body, of 48 Sheriff Peers and 96 nominees of the Guilds. This was by itself a pretty stern check on revolutionary legislation, but, in addition, there was no such thing as a general election. It was not till 1672 that the guilds were ordered to hold an Election every three years.[2] Lastly only freemen had civil rights. In the same year it was ordained that any man, be he resident or alien, "on tender by him made of 20 shillings" had to be elected a freeman or a guildsman, unless the Corporation could show good reasons to the Deputy.[3] These innovations in the reign of Charles II. give a clue to what was the representative capacity of these Corporations in the reigns of Elizabeth, James, and Charles. In Dublin no one could become a freeman till he had served seven years under a freeman, and this rule only stipulated that the Corporation might elect a person so qualified for admission to a guild.[4] In 1635 a resolution of the same body candidly confesses that "the unfree were more in number than the freemen".[5]

All this was the natural outcome of corporate life in the middle ages. In the original cities all were freemen. As the City prospered the country folk came in as labourers, and the greater the progress of the City the greater the number of immigrants. The inevitable tendency of such a development is to make those in possession of "the freedom" value it as a privilege, to hold fast to it, to refuse to share it with the aliens. From the days of primitive Rome, when the patricians looked askance at the plebeian immigrants, down to the attitude of the Boers towards

1) D. C. I—59. 2) D. C. I—62. 3) D. C. I—65. 4) D. C. III—380. 5) D C. III—312.

the Uitlanders, this is a constantly recurring phenomenon in growing States, however tiny.

The vote—the right to elect a representative—was then regarded as of little value in general politics. Democracy had not yet appeared as an article of human faith, and, there is no trace whatsoever in England or Ireland of enfranchisement being regarded as the escutcheon of manhood. In these cities however it was different. The powers of these Corporations were such as no modern State has ever developed, and, as these cities were small, each man knowing his neighbour's business, the evasion of a municipal ukase was an impossibility. Those ukases dealt with everything that man holds dear, with those particular subjects on which men get angry—really and sincerely angry. Imagine a little City of two or three thousand souls, whose supreme Government was vested in some thirty or forty men, chosen out of a minority. Imagine that oligarchy fixing at its own volition the duties to be paid on every article sold in the market, the price of every such article, the rate of each man's wages, who was to sell this article, and who that, what wages each man was to draw, and, above all, what articles men were not to sell, and what tradesmen were not to ply, because the burgesses and the guilds would allow no competition. Under the best of rulers such an iron, arbitrary, and inquisitive system was bound to cause discontent. There is no evidence that the rulers of the cities were exempt from the failings of human nature. When these Corporations demanded absolute and entire control of their cities, and repudiated the control of the Dublin Executive which, after all, had never cut down a journeyman's wages, or forbidden him to ply his trade, one can understand on which side "the meaner sort" went. If the City fathers thought that the non-free would shed their blood to perpetuate, aye and develope, this system, they must have had very little knowledge of human nature.

These powers James did not curtail. The State was not yet in a position to rule the slums, police the streets, regulate traffic and fulfil in a City those thousand and one duties it performs to-day, silently and imperceptibly. It had to act through the Corporations and use their machinery. No doubt James also was content to have the supervising authority vested in the Crown, and certainly political conditions were not favourable to a total

abolition of the corporate powers, especially, as any day, the Crown might have to fall back on the Corporations again. None of the new Jacobean Corporations, however, got anything like these powers. Accordingly, despite the Corporate defeat, its domestic control over internal trade was still intact, and the Council Books reveal, down to Strafford's arrival, a constant internecine war with the non-free, whose numbers and influence were increasing. In 1610 Youghal forbade anyone, not a freeman, to sell in the town, laid it down that the freeman should have first choice of the wares on board any ship putting in, forbade any man "to secretly treat" with the shipowner, and forbade all citizens to sue in His Majesty's Courts, confining them only to the Corporation Court. Wages were also fixed, not at the minimum that could be paid, but at the level above which they were not to be paid. "And whosoever shall demand more wages than is laid down shall be fined." In 1614 the Grand Jury of the city indicted some seventy or eighty persons before the Corporate Court, for all manner of offences, like "selling a barrel of beer to a stranger", buying wine and denying "to deliver any part to a freeman", while half a dozen cobblers appear at intervals, demanding a price for their brogues, which the Council refuses with threats and fines. In 1616 a municipal scandal arose, when it was discovered that the non free were in the habit of bribing the Guilds with money "and a dinner without the consent of the Mayor", thus becoming free by undue influence.[1]

The Corporation of Cork, on the other hand, seems to have been a very tolerant body. Anyone could ply a trade or buy and sell, subject to the condition that he, if not a freeman, entered into bonds to marry a Cork woman, or to live in Cork. The municipal circle, however, was kept intact, admissions to the charmed circle being rare. The activities of this body were directed to other ends. The municipality always seems to have been in low water, chiefly because the revenues, leases, and municipal possessions had been. and were in process of being "passed away" to different members of the Corporation. This is a typical resolution of that epoch. "For as much as all, or most of the lands and revenues of the Corporation, have been, for

1) Youghal. Caulfield — 3, 5, 15, 30, 31, 47.

necessary charges, mortgaged unto several persons for great sums, and there remain no public revenues to redeem the same, therefore"—and then follows the inevitable lease or mortgage of another portion of the revenue to some eminently respectable City Father. The result of this was that the Corporation had to fall back on its taxing powers, and its list of dues are startling at a period, when the Great Imperial Government used to cower before the storm that followed any of its timid and moderate budgets. It was no doubt Cork that Strafford had in mind when he gloomily commented on municipal "exactions", which by his time had reached enormous proportions. The indifference, however, of the Cork burgesses to the activities of the non free gives a clue as to why this was the only one of the Municipalities that put up a fight on the accession of James. If the Cork burgesses had enemies within their walls, at any rate they were not so numerous as those in the other cities. The only trace of exercise of the protective tariff in favour of the free was a very proper resolution condemning "the greedy covetousness of certain merchants of the city, "who purchased wine from a Dutchman, before the alien had interviewed the Mayor. A subsequent resolution however notes that "the Mayor got his choice pipe of wine", and it was accordingly declared that "the former entry made inhibiting the buying the said wines be void". There seems however to have been some ill feeling over the Mayor's "choice pipe", because again an indignant resolution threatens all manner of penalties against whosoever shall buy from a wine importer "before an offer is made to the Mayor". The feud with the non-free was not so bitter in Cork, but the "exactions" certainly demanded an inquiry.[1]

Wexford was in trouble at this period. The fishermen flatly declined to pay dues to the Corporation on their catches. In fact they appealed to the Deputy. After a State trial they were "discharged of all taxes and impositions", save 6d a barrell King's Customs to be paid to the King Customer. Once the Chester Corporation protested strongly to Wexford against its action in taking from Richard Bird £ 5:15 "for the liberty of selling beans that were his proper goods", as "a town duty", but the protest

1) Cork Corporation. Caulfield. — 5, 121, 127, 136, 89, 90, 108, 58, 59, 114.

seems to have fallen on deaf ears. The quays in this town had been long since "passed away" to private persons, and they were so many and varied that the Customs Officer could not supervise them all at the same time, with obvious results.[1] From these records one can understand what Radcliffe meant when he said that the hindrances to trade were not Strafford's tyrannies, but the exactions of Corporations "like Waterford and others, which, being port towns, have done themselves and the Kingdom much prejudice by claiming and exacting some, strange duties called 'town bargains' upon merchants that have come to trade here".[2]

Waterford which used to call itself, the "regia camera", was in pretty much the same plight. An entry in 1571 in its Journals shows that "there are not freeholders sufficient to hear the challenges" in the Courts, and accrdingly the non-free, contrary to all law and custom, were duly impannelled every year. The protective tariffs, exactions, and regulations all during the 16th century were as drastic as a Protective Socialist could desire, but unfortunately the Jacobean records are defective, and we are unable to assess their effect at that period.[3] In the controversy over the Oath of Supremacy Waterford lost its Charter, but, on the accession of Charles, it was recovered, on payment of a fine, thanks to the intervention of Lord Conway, to whom the grateful Corporation sent a barrel of local whiskey.[4] Its first function was to form a Guild of tailors and saddlers and kindred trades with severe pains and penalties for all "working, being not free or licensed". The Glovers and Shoemakers had been founded in 1594, and the whole clothing trade was placed under similar restrictions in 1632. The fact that the guilds did not come into operation till such a late period leads one to suspect that it was not till the reign of James that the freemen in this city were forced by the immigration of outsiders to monopolize these trades.[5]

Galway also reveals financial embarrassments and internal discord. Like Dublin and Cork, like the very central Government itself, no small part of its revenues had been "passed away" to eminent men. In 1631 it was declared that "for many years the

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1) W. H. — 230, 242, 247, 227. 2) C. S. P. 1641 — 256. 3) Ormonde and Fingall M. S. S. 333, 334; 286, 290. 4) C. S. P. 1625—1632. — 22, 52, 82, 165, 166, 171; 1625—1660—139—140. 5) Ormonde and Fingall. M. S. S.—272, 273, 337, 339.

subsidies have been turned to no good use, but converted to former Mayors and liberally given away by the augmentation of stipends". This complaint occurs at frequent intervals, and no doubt explains the reiterated devising of checks on the financial prerogatives of the Mayor. This was the closest of all the Corporations. All during the sixteenth century ukases appear at intervals, decreeing the banishment of strangers, and a resolution passed in 1626 shows that the usual guise in which they entered the town was that of "scholars" and "beggars in great numbers". Manufactures and trades, however, very seldom appear. The city was rather a mart for the Province than a centre of manufactures, with the result that the municipal regulations were purely confined to impositions on merchants. In 1613—as in Cork—a mutiny arose over the Mayors "choice pipe of wine", in which he and his officials were defeated. Evidence there is here of discord, not so much between the free and the unfree, as between the Mayor and Alderman and officials on one side and the common freemen on the other. Impositions, methods of election, and charges of financial mismanagement reveal stormy sessions, "disorders", "abuses", "indiscrete persons who vex us very much", "unruly persons as disturb the common good", and "labouring to gain words for to make a Mayor, not regarding value or honesty, but of a mere faction, the which we intend be suppressed".[1]

In Dublin however all the defects of the municipal system were glaring. Every page of the Corporation records reveals a bitter and furious battle between the free and the non-free, a municipal ascendancy struggling to retain their privileges, and a growing democracy demanding their rights to live as they pleased. "No person whatsoever, not being free of this city shall from henceforth, use or exercise any art, trade, mystery, occupation or handicraft within this city or the suburbs, or the liberties, or the franchises", such intrusions being "a great prejudice and unpoverishment of the citizens of this city" tendering to "the utter subversion and overthrow of the whole government of this city". On this text resolution after resolution appears in the records, dealing with the sale and purchase of every available article, and the practice of every possible trade. The angry language in which

1) Ormonde and Fingall. M. S. S. pp. 462—488. 2) D. C. III — 22.

these resolutions are couched reveals a long drawn-out battle. The frequency with which they are reiterated shows that they were of no avail. Authority—the moral force that compels allegiance—had passed to the Central Executive. Of physical force the municipal authorities now had none, save a few constables. There is every evidence that these resolutions were but bruta fulmina, seeking to terrify by words, rumblings of fading thunder, invocations of a mediaeval and despised abracadabra. The small number of admissions to the freeman's roll, the confession that the freemen were in a minority, the strained relations between the Corporation and the Castle, the everlasting presence of a Deputy, not sorry to act on petitions from the Corporation's enemies—all explain why the City fathers failed to drive the multitude from the Market place.

Here too financial complications added to the Corporation's difficulties. Their taxing powers were many and varied, and these they seem to have exercised to the hilt, like their brothers, of Cork, not only by means of market tolls, but by impositions on powerful strangers, who, we may be sure, put themselves at the head of the rude multitude. In 1622 dire poverty and "the reformation of certain abuses" produced an extraordinary number of extra rates, chiefly on "strangers", freemen being exempt, and falling heavily on coal, fish, meat, corn, firewood, horses and salt.[1] All this, of course, was exclusive of special fees, due to officials, like the Clerk of the Markets and the Water-bailiff. Sometimes an effort would be made to recover "exactions" that had been leased out to private individuals. A certain George King of Clontarf is frequently denounced for taxing herrings.[2] One Katherine Strong had "toll of the market" and did well therefrom, so that the populace made of her a snow effigy to display their indignation.[3]

When, however, the Corporation fell foul of the merchant strangers they raised a dangerous enemy. As can be seen they imposed on them rates higher than those on the select free. In 1609 freemen only paid harbour dues of 10/— a last on the exportation of hides, and mulcted the non-free actually four times that impost for the right to export.[4] This, of course, led to grave

1) D. C. III—142—145. 2) D. C. III—132. 3) D. C. III p. XXIV.
4) C. S. P. 1609, p. 198.

scandal, as the merchant strangers, being wealthy had friends. "Divers freemen of the City" we learn "not pondering or entering into consideration of their oaths, are using their own names to sell foreigners' goods, and to buy for foreigners, whereby the city right can never well be discovered".[1]

The 3d Custom also gave the municipal authorities a lever over the Strangers. It was they who valued the goods, not only for this tax, but also for the King's Customs, as the harbour officials still remained the Customs officials. In 1611 the serious charge is made that by means of this weapon, they compelled the strangers "to sell at their own price".[2] This charge was reiterated so firmly twenty years later by the Dutch that one is compelled to give it some credence.[3] The result was that from 1613 to 1633 there were constant suits challenging this right, constant evasions, and occasionally blunt refusals to pay the imposition.[4] The Corporation retaliated by a discreet move. They leased their tax to Sir Philip Percival, a great Castle official.[5] Thus, in the Imperial Headquarters, there was an interest, zealously devoted to maintaining this unpopular and abused "exaction", for which the Corporation had not a line of legal draftmanship to prove their title, and which, if it should have been levied at all, was Crown property.

It schould be remembered that, if to outward seeming, there was war to the knife between the Cities and the Castle, the Cities had friends inside in the Castle. All during the feudal wars the Officials were drawn from the merchant class, and the tradition was still preserved. The Whites who percolate through all branches of the Executive, had kinsmen in the Clonmel, Waterford, and Dublin Corporations. Bolton, Strafford's great man of law, Coote, who dominated the Midlands, Catelin, Strafford's Speaker, were but a few of the men who rose to high position from municipal beginnings. Accordingly, if the relations between the Crown and the municipalities were tangled, intimate, and—it is to be feared—corrupt, we must remember that each side had friends and connections in the other camp.

This tangle reveals the failure of the Corporations to over-

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1) D. C. III—104. 2) C. S. P. 1611—195. 3) Egmont M. S. S. I—70—72. 4) C. S. P. 1625—1660. p. 330—333. 5) D. C. III—224.

throw the Crown. Inside in their own precincts they had many enemies. They had no more chance of stepping into the vacant shoes of Hugh O'Neill—in fact far less—than any of the minor dynasts, everyone of whom had in his own territory rivals, tenants, and labourers looking to the Crown for protection. This explains too the very curious religious composition of these cities. At this period of Reformation and Counterformation, when the split between the two creeds had not widened into points of principle, but approximated very closely to modern political generalities, in which local and material considerations move men's minds far more strongly than clean cut conviction, in Ireland, at any rate, the powerful opponents of the Crown, drifted towards Roman Catholicism, and its weak supporters stood firmly by the Reformation. All the minor towns were very hostile to Recusancy. All the great walled cities were strongholds of the Recusant Party. In 1626 all the Mayors of the older towns, save Youghal, were Recusants.[1] In 1624 every Mayor was a Recusant, even the Mayor of Dublin.[2] At the beginning of the reign of James the lower Orders in the Cities as a general rule followed the tradition of their fathers, and went to the Established Church.[3] Thus do we find a veritable tangle of cross currents, alliances, enmities, and interests embroiling the municipal issue.

The Corporations of the older cities at this period were hostile to the Crown. They were powerful enough to provoke its jealousy, and it was the only obstacle to their independence, the great Lords having ceased to be the great terror they once were. Accordingly while carrying on their mimic warfare with the non-free, they assailed the Crown with municipal pin pricks, and it retorted after its kind. For a considerable period the question as to whether or no a Mayor could be a Recusant loomed very large. The Recusancy law did not forbid an alderman to be such, but a Mayor was a Crown official, and what was more an Official who officiated in public, and the Crown, mindful of its dignity, declined to allow a Mayor—who was a "rebel". The Corporations retorted that this was "a matter of conscience and not of state", and, in the end, the Crown was defeated. This was no issue on which to attack

1) C. S. P. 1626—163. 2) C. S. P. 1624—455. 3) C. S. P. 1606—490, 463—477.

the Corporations. It was useless for the Deputy to plead that every Mayor had to take the Oath of Supremacy by a "law made by the fathers of those who complain".[1] Public opinion was against the Government and it wisely withdrew from this untenable, if legal, position. By 1635 an English visitor in Wexford was astounded at the spectacle of the Mayor of Wexford escorting the Judges to the door of the Church, and then adjourning across the road to attend Mass.[2] In Dublin however, the authorities were adamant. "The eyes of all the Kingdom are upon it" was the official excuse.[3]

The next assault by the Corporations, having carried this point, was in matters Military. They bluntly refused to continue their cess. to the army. The army it should be remembered was, at all times, anathema to whatever class was at war with the Crown, and accordingly the Corporation records teem with lamentations, objurgations, and denunciations of this much abused institution. "The Mayors of Cork, Waterford and Limerick", wrote Falkland, "express their impatience of their burdens. Waterford only groans, Cork and Limerick threaten". The soldiers in Cork seem to have attributed their scanty pay to the City fathers, as they assembled en masse, and beat the Mayor and his Mace bearer. Sir Richard Aldworth, one of the Governers of the Province, had to gallop up to Cork, and restore order by vehement language and a stern countenance, roaring at the soldiers who roared back at him.[4] Even timid and loyal Londonderry lifted up its voice and demanded freedom from this cess.[5] Youghal sent up a petition signed by a great pillar of law and order, Sir Lawrence Parsons. It subsequently transpired that some enthusiastic person had put his name theretoo without his consent.[6] In the end, as we know, the country decided to vote contributions for the upkeep of the army, and a Grace was wrung that "except in case of necessity, no more payment for soldiers be imposed on the people without their own consent", which was equivalent to a surrender by the Crown of the right of increasing in any way the existing cess.[7] This was followed by petitions re "the disequality" of the contributions" and the poverty of the inhabitants who "died with famine",

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1) C. S. P. 1613—374. 2) W. H.—248. 3) C. S. P. 1613—380. 4) C. S. P. 1626—169. 5) C. S. P. 1626—187. 6) C. S. P. 1627—211. 7) C. S. P. 1628—331.

and "fearful of future desolation" approached the Deputy "with tears". In some cases the contribution was remitted.[1] Three towns with "a pull" at headquarters secured a complete exemption.[2] Thus did the cities triumphantly wear down the Powers that be. From 1630 till Strafford's arrival the sole suggestion that the officials in Dublin could make was to reduce the disorganized army, which would have left the country at the mercy of whosoever desired his "place in the sun".

Dublin however asserted itself more truculently. The city Fathers, who had procured for themselves a most unenviable reputation, for what Strafford used to call "exactions"—it is doubtful if a single commodity was free from a toll, all of which did not go to improve the city—woke up at a very early date to the enormity of providing two companies with "lodging, fire, and candle light", especially in times of piping peace, when there were no "rebels lurking near the walls". The resolution "resolved not to contribute" to one company, and tendered three months supplies to the other "as a loan".[3] Even the contribution they had agreed to pay a few years before was refused. The Council shrank from collecting it vi et armis, and appealed piteously to the King.[4]

On the same day with commendable wisdom the Corporation leased its dubious right to the 3d Custom to two Castle officials, thus safeguarding it from reprisals. In six months the Dutch merchants made an onslaught on this duty in the Courts. The Plaintiff was John Borr, who was the Earl of Cork's confidential man, which leads one to suspect that the Noble Earl, then Lord Justice, was not averse to this action. The Corporation sat tight, knowing well that two such powerful leaseholders would "see fair play".[5]

One of them wrote an essay entitled "reasons against having the place of customer for Dublin abolished". This good man was controller of the King's customs, the very man who should have recovered this duty for the Crown. Hence the sneers of an anonymous scribe at "the apostate customer who has sealed up his conscience".[6] The terms of the contract were that all the profits of the duty were to go to the leaseholders, who were to pay "£ 300

1) W. H.—244. 2) R. P. VIII—26. 3) D. C. III—224. 4) C. S. P. 1629—461. 5) D. C. III—242. 6) Egmont M. S. S. I—71.

a year to the Corporation, less £ 50 a year to maintain suits in defence of their rights". Worsted in the Exchequer Court, the leaseholders and aldermen appealed to the King, but the shadow of Strafford was now looming on the Hibernian horizon. All they procured was an order to that Deputy to enquire into the matter himself, and to try the case at the Court of the Council Board.[1] As he had not yet arrived, his visage not being seen, not his temper tested, no doubt all parties argued well from the Royal decision.[2]

In the meantime the "contumacy" of the Corporation over the refusal to contribute to the companies and their "insolent" suggestion of a loan had provoked great wrath in high circles. The Commander-in-Chief wrote as follows "Nothing could be more bold. We could have forced them to submission, but I thought it better to refer the matter to the King, as these are peaceful times. Such conduct should not be tolerated. Let not the subjects of Ireland learn the language of English Parliaments".[3] Some kind of a truce seems to have been patched up on December 23, 1629, but neither side meant to keep it. On the 25th the Corporation were enrolling a deputation to appeal to the King. [4] On the same day Cork and Wilmot flung a bombshell in their midst. They raided a Monastery in Dublin. Prynne the polemical Puritan, said that this was done for reasons of great merit. In the Monastery there was a Chapel, whose organ and choir could be heard so distinctly by the neighbours, as to constitute a public nuisance, which allegation he who wishes may believe, and he who does not may disbelieve. [5] An anonymous letter from a Franciscan friar gives another reason. "You desire to know whether this action was done by direction out of England. No. It was done by the Council Board here. It was done to draw the soldiers on the city. They would not suffer our Mayor to go (to England). We had made our instructions (i. e. drawn up our petition) fitted all things with consent of the Mayor and Alderman, and so were dashed. It was a plot to dash our agent and draw the soldiers on us".[6] If Cork and Wilmot were, as is alleged, seeking to provoke a riot they certainly succeeded. That Christmas Day

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1) D. C. III—576. 2) C. S. P. 1625—1660 p. 331. 3) C. S. P. 1629—428. 4) D. C. III—251. 5) Breviat of Wm. Laud; Wm. Prynne. 6) Franciscan M. S. S.—18.

was as uproarious a one as Dublin ever had. At the height of the disturbance Wilmot sent to the Castle for gunpowder "I find" he wrote "there is not one pound of powder in it, though it is the capital store for Ireland. I pray powder may be sent at once".[1] Truly it was time someone reorganized the Irish Government.

A touch of comedy is lent to all these alarms and excursions by the curious fact, that all during the period when the Government was denouncing the Corporation, and the Corporation resolutionizing against the Government, and a bitter feud rising over a few pounds year, the Corporation was cheerfully leasing its lands, farms, and revenues to the great men who used to pen these dispatches, and organize these outbursts of play acting. Bolton Shirley, Coote. Parsons, Aungier, Perceval, and Cave, all the great names of the Irish Executive appear from time to time amongst those who did business, no doubt of a profitable nature, with the body they regarded with such horror, and which, in turn, called on all and sundry to have nothing to do with the tyrants at the Council Board. The following resolution of the Corporation gives a description of the supervision that was kept over these leases. "The Treasurer of the City has been accustomed to have a particular account of the rent charge of the City delivered unto him by the Clerk of the Tholsell, by means whereof they were enabled to bring to the Treasurer such rents as were due, the which custom being these many years neglected, and the ancient names of the lands held being altogether unknown, and in oblivion, until this our later age, as also the daily increase of rents newly added thereunto, hath by such neglect occasioned such disorder in the accounts of the city, that the Treasurer's accounts beareth in supers."[2] In these circumstances one comprehends the difficulties in reforming on a businesslike basis the relations between the Crown and the Corporation.

At an earlier period these Corporations were undoubtedly active bodies of merchants. They were now, however, in a state of decay. They seem to have become close bodies of parasites on industry, displaying the greatest hostility towards the merchant stranger and the alien tradesman. The first of these was vitally necessary at this time. Page after page of the State papers reeks

1) C. S. P. 1530—504. 2) D. C. III—254.

with reference to unemployment and lack of capital. Just as Elizabeth drew in the Dutch to the English towns, and a later generation gave facilities to the Huguenots, the Stuarts did everything they could to bring into Ireland the rich Undertaker or the Merchant stranger. The tradesman was even more necessary. Traditional skill had perished in the wars. There were few in the land capable of taking apprentices.

It is very plain that Corporate power had fallen completely into the hands of municipal families, that lived by municipal monopolies, the retail trade, or excessive usury. No Dublin alderman owned a ship. Galway was the only city that traded abroad. All exports and imports in Dublin were with London alone. They were transacted by Bills of Exchange at exorbitant rates, which business was confined to the alderman. Usury was 30 % in 1622. The net result was an absence of coin, a stagnation in trade, and a lethargy in industry, because all business had to be transacted through these "mouths of the Commonwealth".

This disease is inevitable in all communities, but what made it so dangerous was the vast powers these Corporations had assumed. The Clerk of the Market alone could make life intolerable for a merchant, who started to undersell the municipal ring. "Few merchants resort to Ireland. No foreign factors reside there because there is no traffice. The native merchants bar all the foreign merchants from trading, unless they have their commodities at their own price. They lay extraordinary town impositions and heavy taxes on them to weary them out. This discourages strangers to traffic." Protection has its merits, no doubt, but Irish Trade paid very dearly for the luxury with this incubus in every port. It is most significant that none of the great traders or industrial adventurers of this period were associated with the Corporations. On the other hand the Bill brokers in the Lismore papers were all alderman, and, we are assured, that the average alderman in Dublin owned six or seven ale houses. Industry and business seem to have been a thing remote from these bodies, coming up, as it were, in spite of them. The Irish Municipalities by this time were preying on, and not struggling for legitimate industry.[1]

1) T. C. D. F. 3. 16.

"It is the genius of this place" wrote Strafford on his arrival "to obey a Deputy better upon his entrance than upon his departure. They take me to be a person of much more power than the King, and of stronger abilities than indeed I have reason to judge myself to be. If my weakness once happen to be discovered amongst them, for the love of God let me be taken home".[1] His weakness—the weakness that beset him all during his Irish regime—was that he never had the implicit confidence of the King, that he never was sure of a majority on the English Council, and that, being both Deputy of Ireland and a strong man by character, he was suspect—gravely suspect— by the Imperial Elders, who regarded with the greatest suspicion the reorganization of that turbulent country under a man whose aims and ambitions have never, even at this date been clearly made manifest.

A contribution voted by an assembly of "the Lords and gentry" gave him the money to pay the army for a year. With an army paid and in possession of gunpowder, riots could be suppressed.[2] The prompt prosecution of two Privy Councillors for "mutinying" against this contribution put a stop to the reiterated agitations in the Cities to have their contributions —which they had voted—cut down or suspended when they came to be paid.[3] A warrant to the President of Munster to collect from the three towns the arrears of contribution, which Lord Cork had remitted, by tampering with the assessment rolls, swept away that sense of grievance, which many cities entertained at the idea they should pay, while others, whose patron was Lord Cork, were exempt.[4]

The Dublin upheavel was assuaged by a curious mixture of diplomacy and truculence. He had hardly been a few weeks in Ireland, when the inevitable deputation arrived from the Corporation to protest against having to provide lodging and candle light for the Deputy's troop. They grounded their protest on an ancient exemption from "cess", which was a totally different thing from this traditional function of providing quarters for the Deputy's body guard. Strafford reminded them that they were not a fit collection of persons to insist on strict legality or inferences from phrases in ancient charters. For fifty years they

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1) L. S. I—96. 2) L. S. I—98, 99. 3) L. S. I—97. 4) R. P. VIII—26.

had been assuming rights not in their charter, and neglecting functions they were bound to perform. Strict Law was a two edged weapon and, in strict law, their charters were null and void, and could be escheated before any Court of Law for breach of Covenant. Ruminating on this view of the situation, the deputation withdrew, and next day the Deputy was invited to a Municipal banquet, where less controversial and more substantial subjects were discussed, after the mode of the time. A further reason, of course, for dropping this highly inflammable subject of the upkeep of the Deputy's troop, was that all the Corporation expected great things from the new regime and the ensueing Parliament, and, no doubt, thought it better not to quarrel, at the first stage, with a Deputy, who had so many loaves and fishes at his disposal to parcel out amongst "the well-disposed".

This incident was resurrected at Strafford's trial to prove insult and tyranny. That Strafford had a terrible temper we all know. That he addressed conclaves in a hortatory manner is obvious to any student of his speeches. That however he should, at this stage, gratuitously insult such an influential body is certainly very unlikely. The witnesses to the charge were two, and only two, and neither of these two were members of the Corporation. As that body had a deputation in London at the time of the trial, the absence of a witness from that deputation is significant.[1] One was the Earl of Cork, who was by no means an impartial witness. The other was a Castle official called Kennedy, whom Strafford had dismissed from the post of Treasury Remembrancer for embezzlement, corruption, and extortion.[2] The words to which these two witnesses testified were "You must understand Mr. Recorder, Ireland is a conquered Nation, and the King may give what laws he please. These be antiquated charters and no further good than the King be pleased to make them". "They bind the King nothing further than pleases him" was the other version. The first part of this rigmarole Strafford flatly denied. The second phrase he acknowledged, but denied the implication. His intention he said was to ingratiate the King to the Corporation by pointing out that the King would not stand on the strict of the law and escheat the Charter. If he could be

1) D. C. III—379. 2) R. P. VIII—151.

so generous with his legal rights, surely they would not strain at quibbles. "Extremely well satisfied" is his description of the Corporation's reception of this exercise of the dispensing power. His Secretary, Slingsby, related how the "speech was well accepted and his Lordship was thereupon invited to the Mayor's house, where divers of the City congratulated his coming to then". As we know the Charters were never touched, though the Crown lawyers held that they were at the mercy of the Deputy. The final proof however, that this was only a chance sentence, lifted from its context and twisted by two witnesses, is the entry in the records of the Corporation. It relates how the Lord Deputy "with great gravity and wisdom did advertise and admonish the Mayor" and "after much graciousness intimated how ready he would be to assist the city".[1] This entry completely corroborates Strafford, and cuts the ground from under Cork's recital of contumely, insults, and threats.

The first part of the speech—the reference to Ireland as "a conquered Nation"—has somehow or other crept into the Strafford tradition, and there is scarcely a history on the period, which does not assume it to be the keynote of his administration. We know that Strafford believed in a absolute Monarchy, in dread of worse evils, plutocracy and mobocracy. Between that attitude, however, and regarding all humanity as serfs there was a difference. We know also that he could be very caustic on certain Irish defects. Yet, on the other hand, he never tolerated for one minute the sacrifice of a single Irish interest to powerful vested interests in England, never in any way pandered to English exploitation of the Irish subject. The Crown and nothing but the Crown was his political God. "Let nothing" he told the King "be yielded in Scotland to encourage England to protest your commands. With England and Ireland ministering to your sovereignty you can conform the other to your will in just things".[2] For reasons of high state policy Strafford strained every nerve to develope the Royal compound of Ireland, in view of the coming struggle with the revolutionary elements in England. That at the beginning of this great venture, he should have told the representatives of the Irish capital that they were "a conquered nation" at his mercy,

1) D. C. III—579. 2) L. S. II—372.

and said so in the presence of men like Loftus, Ranelagh, St. Leger, Dillon, and Ormonde, and retained their support, and, in the three latter cases, their affection, is most, most unlikely. His emphatic denial of the phrase, the shaky evidence of the two witnesses and the entry in the Corporation Journals would certainly justify us assuming that the words were never uttered.

What lends countenance to the unreliability of this historic fiction is that the charge was repeated, and its repetition can be completely disproved by direct evidence. It was alleged that he used the phrase again, while addressing Parliament, a Parliament of swarthy veterans like the Earl of Thomond who gloried in the fact that it was they, and no-one else, who had crushed the dynastic Powers, flung the Spaniards out of Ireland, and made the country the possession of "our Sovereign Lord King Charles". Strafford's Parliaments were very assertive of their rights, dignity and importance. They were manned by very truculent men, Peers and commoners, whose fathers had been in rebellion, some of whom had themselves been in rebellion, and many of whom were destined to go into rebellion. The mere suggestion of such an idea by an English official in one of James' Parliaments had led to angry speeches, which demanded and extracted an abject apology.[1] "A stirring and forward people", "the people of all others loathest to be denied anything they desire", "the private assumptions of these Irish Lords who out of too much love of their own go further than well consists with the modesty of subjects", such were some of Straffords private comments on men, whom we are asked to believe he browbeat in full public with assertions that they were "a conquered nation" and had no rights, at the moment when he was wheedling subsidies out of their pockets, and organizing an army, recruited from their friends.[2] In this case the allegation was that he told a Parliament of the Lords and Gentry, that "Ireland was a conquered Nation and must expect laws as from a conqueror". The witnesses were Lord Gormanstown, Lord Kilmallock, and Pierce Crosby. Sir Adam Loftus, Lord Robert Dillon, and Sir Robert King flatly denied having ever heard the words. Strafford "took the heavenly God to witness he never spoke them", and added that such an opinion would be "most false", and, what was more,

1) H. C. J. I—15. 2) L. S. I—281; II—572, 342.

"against the drift of my discourse", which was an appeal for supplies. Speaking from recollection after eight years had elapsed, he asserted, that what he did say was that many men had come from England to reduce Irish stirs, and to make the Crown predominate, that these aids could not continue and that, "if the Kingdom of England should still be put to the charge, and the whole expence still rest on the conqueror, you might very well think you are hardly dealt withal as never any other conquered nation had been". Between this and an assertion that civil rights did not prevail in Ireland there is a great difference. The temper and reception of the speech is proved from a resolution of the House of Lords congratulating him on his "pithy oration", and demanding a copy for future generations to admire. Fortunately the copy of the speech is still preserved. We find that Strafford's recollection was at fault in exaggerating the harshness of his speech. What he said was "Divide not between English and Irish. Madness it were in you to raise that wall of separation. If you should, you know who the old proverb deemst likest to go to the wall, and believe me England will not prove the weakest".[1] This and the reference to English troops and English money in the Elizabethan wars, gave rise to the legend which the witnesses transformed into "a conquered Nation" speech. In fact, so vague were they on the subject, that they confused the date on which the speech was uttered with a subsequent speech, made at the end of the session, on which the Journals of the House of Lords also were enthusiastic. Even this mild sentiment provoked a protest from Lord Ormonde which Strafford assuaged. What Ormonde would have said if the alleged speech had been made would have made interesting reading. So vanishes this historic myth.

It was not till a few years had elapsed that he found time to reorganize the relations between the Corporations and the State. What brought matters to a head was the discovery of smuggling on a large scale, the Customs officials, despite all James' Mandamuses', being frequently Corporation officials, and nearly always liable to Corporation pressure.[2] One can understand what seething indignation there was among the non-free Merchants, when they had to pay Customs which the free were able to avoid,

1) L. S. I—289. 2) L. S. I—402, 424.

or were forbidden to export prohibited goods, while the free did a roaring trade in slipping them past the blind eyes of the friendly customer.[1] "A pack of knavery" Radcliffe one time described these malpractices, and sallied South to Waterford. That journey brought in £ 500 a year to the depleted Treasury.[2] No doubt also the free burgesses gave high patriotic reasons for their conduct. "Were not these customs ours in days of yore? Have they not been confiscated? Are we not right in recovering a portion of our own property? Let those who are always belauding the Deputy pay him his Customs, non free aliens, sneering at us, who made this city, which they and their Deputies have despoiled". Human nature will always find reasons such as this for refusing to pay taxes, while imposing then on others. One can guess what it was Strafford wrote that elicited this reply from Coke. "The excessive number of Corporations and burgesses will always create faction, especially when the greatest part remain so illaffected. The remedy then, which you propound, legal proceedings against old Corporations that have usurped upon the Crown, is well approved".[3]

In 1636 every Corporation in Ireland was ordered to send its charter up to Dublin.[4] There the Crown lawyers made enquiries and examinations, and, we may be sure, queer discoveries were made in regard to tolls, bye-laws, municipal taxes, leases, official perquisites, and all those relics of a bye-gone day, when these municipalities were little kingdoms, struggling for existence and building up their trade, industry, walls, armies, and governments, before wealth, power, and privilege had sapped their virility, and changed them into organisms of truculence, "not performing" as Strafford put it, "the trust reposed in them with that integrity and care they ought to do", but demanding to be "Masters, by which means great disorders continued".[5] Of this however more anon.

The first assertion of the Imperial rights was startling and struck terror into many a municipal heart.

Strafford had issued a Proclamation on the subject of coals, whereby he surrendered his own right to purchase coal "at King's

1) L. S. I—402, 424. 2) H. V. C. VIII—43. 3) L. S. I—432. 4) L. S. I—19. 5) R. P. VIII—163.

rates", and deprived all officials and aldermen of their similar privilege, his hope being to induce the English Council to forego the export duty on coal.[1] In defiance of this Proclamation, Sir James O'Carroll, the Mayor of Dublin, used his official position to purchase "at King's rates" large quantities of coal, cornered the market, "regrated the commodity", and sold the coal at record prices in a year of great scarcity, when the Deputy had foregone his official prerogative, in order to keep prices down. The very fact that, as Mayor, he purchased coal at 8/s a ton, and then, as clerk of the Market, fixed the price at 16/s a ton, gives us some conception of what independent municipal power meant to powerful freemen. Sir James O'Carroll was a man of power in the land, what Strafford used to call, one of "the great money men". This was the third time that he held the Mayoralty. He was permanent Clerk of the Market, which rendered his offence all the more heinous, as that official was appointed for the purpose of coping with these identical profiteering practices. He was indicted and censured by the Castle Chamber for defying a proclamation and for "regrating". The prosecution was entrusted to Strafford's secretary, Mainwaring, Sergeant Catelin, and the Solicitor General. The Court fined him £ 1.000, deprived him of his Mayoralty, debarred him from ever holding office again and ordered him to be imprisoned during the Deputy's pleasure.[2] The Corporation then inserted this sentence on its records and elected a new Mayor.

The absence of a protest on their part makes patently clear what was the origin of the Municipal disease. What is everybody's business is nobody's business, and Ireland, more than any other country, suffers from that great weakness of mankind, by which men tolerante malpractices like this rather than make enemies, but, the moment some courageous person or group tackles an abuse, and shows that it is possible to reform the scandal, with no disaster to the reformers, all rush in to bask him in the limelight of humanitarian patriotism. No doubt the corrupt element on the Council was a minority. A corrupt minority aiming at "their own particular ends" however is always master of a body of timid, careless, casual, and indifferent members. Once Strafford however

1) B. L—34. 2) D. C. III—306, 308.

asserted himself all rushed to hale the new residium of power, and Sir James O'Carroll disappeared. The lesson was appreciated. No more regrating prosecutions were necessary. So panic stricken were the Corporation that, for fear of the loss of their right to nominate the Clerk of the Market, they separated that post from the position of Mayor, and instituted it as a paid and subordinate position, subordinate to both Recorder and Mayor, who were to be responsible, if this official misconducted himself again.[1]

The effect of this was remarkable. Before 1633 the Corporation Journals reek with the warfare between the free and the non-free over Market rights, in which, it is as clear as noonday that the free were trying—so Strafford put it—to "keep all the trade and ingross all the manufacturers in their own hands", reducing the non-free, the majority of the citizens, to the level of the plebeians in ancient Rome, so that patricians like Sir James O'Carroll might regrate coals in a year when few colliers had come into harbour. [2] There is only one entry in the Dublin records of the Strafford Vice-Royalty having the slightest bearing on this now quiescent vendetta. It certainly reveals a new order. It is a municipal ordinance forbidding the free to interfere with the non-free. Its preamble describes how "foreign fish mongers" are "interrupted" by free fish mongers, who purchased their wares by intimidation and then resold them at a profit, "to the impoverishment of his Majesty's subjects". The ordinance declares that "the market is and always ought to be alike free, both to free fish mongers and foreigners", which constitutes a marked improvement on the good old days, when none but the free were allowed to ply any trade or calling.[3] By 1638 the Corporation had become so liberal in its views and so anxious to develop the city that, finding "a great want of plumbers", it dispatched an envoy to England to engage a plumber to come and live in Dublin, and bestow his skill on the rising youth, promising him as a reward "the freedom of the city".[4]

This was the result of the Carroll prosecution. What added to it was the fear of the Castle Chamber, and Strafford's habit of sitting twice a week to hear petitions. The certainty that an

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1) D. C. III—311. 2) C. S. P. 1636—130; R. P. VIII—165. 3) D. C. III—339. 4) D. C. III—345.

abuse would be instantly reported, and drastically remedied had a very wholesome effect on the less desirable, who hitherto had it very much their own way. Strafford's defence of the Castle Chamber was that "the poor thus knew where to seek and have his relief", that "the poorer Irish" could understand its simple forms of a petition and answer, thus being gradually weened to a confidence in the Imperial Power, and thus "preserved from the pressures and oppressions of the Great Ones, for which I assure you they bless God and King, and begin to discern and taste the great and manifold blessings they gather under the shadow and from their immediate dependency upon the Crown, in comparison of the scant and narrow coverings they borrowed from their petty but imperious Lords."[1]

The "Sovereigns" and the Mayors of the Cities could be quite as enthusiastic on exactions as the rural lords. A petition of 150 fishermen from Kinsale, who describe themselves as dwellers in cabins, relates with great lamentations the taxes imposed by the local Sovereign. In this case Strafford dispatched a Commission of a Captain and a Parson to arbitrate. They cut down the dues and fixed them at a non plus ultra.[2] On another occasion the poorer burgesses of Cork raised an interesting municipal point. The aldermen, anxious to become Mayors, always evaded the function of Sheriff, which involved hard work and some expense. By this "Sundry inconveniences and gross absurdities" occured. "On the other side" so runs the petition "the aldermen are so powerful that they will suffer none of their children to be elected to that office, whereby poor men are elected" to the great scandal of all. Strafford usually delegated all Munster affairs to St. Leger, the President, who examined into this affair, and issued a peremptory order, to which the Corporation dutifully submitted. Cork however, was a casual and tolerant Corporation, and seems to have given very little trouble to anyone, having only one flare-up with Strafford over the election of the Clerk of the Crown, Strafford carrying his point that his nominee Pierce Fitzgerald should be preferred to Tirrie FitzOliver, the local choice. It is worthy of note that this Corporation scored a great triumph at the ex-

1) L. S. II—93, 19; R. P. VIII—210. 211. 2) Council Book of Kinsale, Caulfield, p. XXXVIII.

pense of the O. C. of the local garrison. That indefatigable officer tried to extort a billetting allowance for those days he was not in garrison, and, after a lengthy correspondence, St. Leger came down on the side of the corporation.[1] In Youghal there appears also a change in local politics. By 1640 it had definitely been decided that the freedom carried no exemption from taxes, "townsmen and freemen" having to pay the same duties as "foreigners".[2] In this city, as the years rolled by, the municipal elections grow more and more hotly contested, the Mayoralty being sometimes only carried by a majority of one. Another phenomenon is the steady increase of old Irish and new English names among the freemen, where before the old English i. e. Norman names monopolized the register. This means that the municipal families were losing their grip on the Corporation and that the plebeians who had come in from the hinterland were, rising to eminence, assisted by the new settlers, who were the capitalists of the period, and very hostile to the municipal aristocracies. This tendency is marked all during the Strafford epoch, when the State was bringing all its machinery to bear to break the powers of the Corporations, and make the cities open towns. Youghal, which was famous in James' reign for its control of prices and wages, fixed neither during the Strafford epoch, nor is there a trace of a prosecution for buying or selling at prices other than those fixed by the corporation. That function was now passing to the State, the distant power in Dublin, which we may be sure was regarded by the Youghal populace as more impartial and less biassed than the local Goughs, Ronayers, Coppingers, and Fitzgeralds. It is significant also that Strafford very seldom interfered with prices. His maxim was "where the generality are concerned there the less you meddle the better".

Galway seems to have settled all its internal differences by a sweeping and drastic resolution. A few months after Strafford's arrival the keeping of the accounts was vested in the hands of one, Geoffrey Martin, Alderman, a drastic code of checks, audits, and accounts was devised, and all documents were ordered to be "registered and enrolled that the same might be forthcoming on

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1) Council Book of Cork, Caulfield 182—188, 193—195. 2) Corporation of Youghal, Caulfield—197.

occasions, least any man, through forgetfulness or otherwise, should demand any second payment". In 1638 the collectors of local and public revenues were ordered to enter into bonds to the value of £ 2.000 for the proper discharge of their duties. In 1638 the Corporation were sued before Strafford by three local residents on a question of title as regards certain public lands, with what result does not transpire. In the same year the Sheriffs were empowered to utilize, for the erection of a gaol, the fines acrueing from common lands that had been "reduced to inclosures and parks to certain particular and special men". Most important of all however was the fortification of Galway. This question had been long discussed and debated and wrangled over between the Castle and the Corporation. Strafford regarded this as of prime importance. "If the cause of religion—which as you better know works more powerfully and violently on the minds of men—should at any time be pretended to shake the faith or loyalty of this people to the Crown, there is no part that lies so open to let in a foreign enemy, that is better fitted with harbours for such a purpose, that hath the intercourse and commerce with Spain, or that is more naturally inclined to that Nation than this county of Galway".[1] This work was achieved and completed before Strafford's departure, under the guidance of Sir Francis Willoughby, the Mayor and corporation assisting. Otherwise the journals of the corporation all during this period are calm and tranquil to the point of dulness, where before they teemed with charges, brawls, and feeble efforts on the part of "mere factions" to control the mayor, and minatory resolutions on the part of the mayor to curb their "contumacy".[2]

This atmosphere of tranquillity percolates through all the municipal records that are extant, and in every case, it is accompanied by resolutions which show that the cities were becoming open towns. This atmosphere is in marked contrast to that which prevailed during the Falkland regime. It was, as it were, as if a Local Government Board was suddenly instituted to act as a check on those errors and malpractices which are inseparable from small and parochial bodies. Till this supervising authority was instituted Irish Corporations were in reality independent, and they

1) L. S. I—452. 2) Ormonde and Fingal. M. S. S.—479—491.

possessed just those particular powers which are most prone to be abused, and many which no modern nation has ever dreamt of vesting in any government. Once the Imperial authority was asserted, and once the Courts of Law were made into a Court of Appeal from these bodies, those "exactions", "enclosings", and "restraints on the subject" soon vanished into the limbo of the past.

The fear of the Castle Chamber and the gradual tightning of the grip of the Imperial Power did much to deprive the burgesses and guilds of the exercise of their prerogatives, but the prerogatives were still there, ready for use if Strafford's hand was released, and none knew better than he that, if Ireland was to be the weapon to safeguard the Imperial dynasty, these prerogatives were a constant danger to him and the King. When the Charters were brought to Dublin the lawyers soon discovered that nine-tenths of these exactions and privileges were but customs, prescriptions, excrescences on the old charters, due to that long period, when the burgesses were masters in their own houses, and could assume what they pleased and "encroach on the Crown". The very fact that Parliament petitioned for an inquiry into these assumptions shows that Strafford had behind him no small body of public opinion. The sudden assumption of the right to nominate the Clerk of the Crown in Cork was not the only onslaught he made on the municipal powers, taking care, very good care never to overstep the law and the charters. If he had made any slip we would have heard of it at his trial. Part of the financial difficulties of the Corporations were due to Corporation lands being "passed away" to favoured persons, by powerful persons squatting on municipal lands and defying eviction. In 1635 Dublin acknowledged that the revenues are "of very small value at present".[1] It was this disease that had culminated in these widespread "exactions" and high rates, When it began to dawn on the "Great Ones" of the cities that Strafford's law officers were probing into all titles a panic set in, and a petition was delivered to the Deputy asking for a private Bill to legalize all these mysterious transfers. This was refused and with the Commission of Defective Titles looming in the back ground, the favoured tenants had to come in, compound, and take out bona fide leases, coram publico.[2] A year

1) D. C. III—309. 2) D. C. III—297, 337.

later an ordinance was issued forbidding the lease, sale, or alienation of three public parks, which were to be kept "wholly for the use of citizens to walk and take the open air". One of these is now known as Stephens Green. A minatory clause was added. threatening the Mayor with a heavy fine, if he read in the assembly a petition to lease any of these parks.[1] What is yet a more curious phenomenon is that, during these five years, the Corporation actually went so far as to lease two plots of land to the Government for public purposes, one for the Mint and the other for the Custom House.[2] The latter building and its crane was erected at the Imperial, and not the municipal expense. Of the former there is no trace, even though its mooted erections is frequently mentioned in the letters of that period, and Strafford seems to have been anxious to proceed with its inauguration. Exactions appear, as time goes on unpopular in Municipal circles, where before they were feathers in the municipal cap. The city scavenger was sued by the Corporation before Strafford for extortion.[3] A disgraced "Beadle of the Poor" was only restored to his post on condition that he took no more "pretended customs", failing which he was to be "whipt".[4] Those who imposed "divers customs" upon the butter and bread sellers were cautioned to desist.[5] Likewise was the water bailiff, who by some whim of municipal humour, had control of the milk market.[6] These and other symptoms betoken a certain bashfulness on the part of the "ill-disposed" and a rise to power of what Strafford one time called "those that be sober in conversation and faithful towards the Crown, and indeed, to say truth, those are many".[7]

The certainty that an excess of power or a neglect of duty meant an appeal to the Castle Chamber or the Courts was a great incentive to municipal zeal. A threatened prosecution and a subsequent fine of £ 200 compelled the corporation to repair the Bridge of the city.[8] The Masters of the Works, threatened with another prosecution for "certain nuisances", galvanized their Corporation into action.[9] The number of fines on high and low that the corporation remitted owing to "the poverty of the petitioner" reads one to suspect that not only was the corporation running the

1) D. C. III—303. 2) D. C. III—328, 329, 355. 3) D. C. III—312.
4) D. C. III—317. 5) D. C. III—326. 6) D. C. III—328. 7) L. S. II—112.
8) D. C. III—287, 360, 374. 9) D. C. III—325.

gauntlet of the Superior Courts for divers offences, but it, in turn, was fining in its own Courts minor men for failing to carry out its new code of bye-laws.

To a minor degree this process was carried out in the other corporations. All that was required was a certain control over the more truculent and less reputable elements, and these bodies very quickly displayed their better qualities. Up to this the whole energies of the Corporations seem to have been directed towards harrying the non-free with rates, and quarrelling with the Government over "lodging and candle light" for the garrison, instead of draining the rivers and keeping the bridges in repair, which they could easily have done out of their enormous revenues. The dues they imposed on goods exposed for sale would not be tolerated for one minute in this era of high taxation, and one is accordingly forced to conclude that no small share of these exactions went to "particular ends".

The cities at this time, though they contained some very handsome buildings, were in many ways rude and primitive. "There stand in them many poor cottages of straw, chaff, and clay, to the eye sore of the whole town." Few houses had chimneys. One authority ascribes the prevalence of short sight to the absence of these. He adds too, that the result was innumerable fires, to cope with which there was no such thing as a fire brigade or appliances. His suggestion was, that by law, houses of this character should not be built.[1]

Strafford notices this from the very beginning. He determined to induce the Dublin Corporation "by a strict course to take a delight in the abodes of the city" so as to "stir up an emulation throughout the whole Kingdom. I am very hopeful it will be a means, in a few years, to beautify this city exceddingly". Accordingly he put in force in Dublin the housing regulations Charles had imposed on London.[2] No house could be built therafter without a chimney.[3] The fast reforming Corporation, assisted by the remarkable influx of merchant strangers and tradesmen, began to bestir themselves. "A water-spout" was purchased "for quenching of any great fire suddenly".[4] "In-

1) T. C. D. F. 3. 16. 2) L. S. 1—306. 3) Acts of the Irish Parliament. Dublin. 1636. 4) D. C. III—342.

truders" on the streets were warned off, as well as undesirable citizens who dug trenches therein, and others who tapped the water-supply to assist their gardens.[1] A special Act enabled Boroughs to tax for bridges and streets, subject to the supervision of the Justices.[2]

By 1635 it was patent that a change had occurred. Several resolutions refer to the "populousness" of the city, and one ascribes the congestion of timber on the wharfs to extensive building operations. Sir William Brereton writes that, at this period, there were "many additions of building, fair and stately", and Howell, the biographer, relates that "traffic increased wonderfully in all kinds of bravery and buildings".[3] If Strafford "reduced the Kingdom to poverty" as his accusers complained, it is remarkable how bravely Dublin bore the complaint.

All this time post after post and privilege after privilege was being absorbed by the Imperial Power. The control of the mouth of the Liffey, the care of the lights and buoys, the authority over ships, smugglers, stowaways, wharfs etc., passed step by step into the power of the Admiralty and the Customs.[4] These Admiralty rights were of great importance, as they involved all dealings with smugglers, and evaders of the Customs and the profits of wrecks. "The profits and products of the Admiralty have been very much diminished by the claims of the corporations". So runs a Royal letter authorising Strafford to serve a quo warranto on the Corporations, and discover where they had encroached on the Crown.[5] Feriage rights were also claimed by the Mayors. In Galway the Mayor flatly declined to recognise the Admiralty official. "The very name of Admiralty is hateful to then" wrote the disappointed one.[6] In 1634 proceedings were taken by the Dublin Corporation against the Government's claim to control the ferries.

In 1639 however the final swoop was made. The records of the quo warranto proceedings against the Corporations are lost, but from certain fragmentary references we can estimate what

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1) D. C. III—309, 312, 315, 327, 345, 367. 2) Act. 10. Car. 1. Sess. 2. Cap. 26. 3) Brereton. Letters, I—306. Howell. Familiar Letters p. 259. 4) Dom. 1637—389; C. S. P. 1636—136; 1635—108; D. C. III—330, 349. 5) C. S P. 1637—166. 6) C. S. P. 1635—116.

occurred. In June 1640 an entry in the records of the Dublin Corporation shows that legal proceedings had been taken "touching all the charters, tolls, liberties, privileges, and immunities whatsoever", and that such causes "had not been fully determined".[1] A subsequent entry shows that the 3d Custom had been lost, as the Corporation petitioned the King "for the gaining of the City Customs and the discharge of poundage", which latter immunity had been lost many years before.[2] This threepenny custom was the great bone of contention between the shipping Merchants and the Corporation, and for it the latter had not a jot or tittle of evidence. On prescription and prescription alone did they base their claim, pleading that, as they kept the Channel clean, they were entitled to a monetary recompense. This function was now performed by the Admiralty, and had been for the previous thirty years.[3] What made this duty so dubious was that the stamp affixed for payment alleged that it was due to the King, the prescription was supposed to date from a period before the King had any title to the duties at all, and the effect was to put the money "into the coffers, not of the King, but the Corporation".[4] This duty is a typical example of how, without Acts of Parliament or legal machinery the Corporations had either "encroached on the Crown" or assumed to themselves a taxing power, or had "passed" to themselves, without patent, or grant, or charter a power vested by Parliament in the Crown. The grievance in this case was that these assemblages of freemen used the prerogatives to embarrass bona fide traders, using their powers of valuation to blackmail the most valuable asset to the City of Dublin, the Dutch ship owners.[5] Strafford at his trial related how the Corporations "were questioned for unlawful exactions, and bye laws made against the law". He added that" they excluded divers of the tradesmen that came out of England to set up manufactures there, which was considered a great grievance to that Kingdom. They did keep all the trade and engross all the manufacture into their own hands."[6] Whether this refers to the beginning of Strafford's war on the Corporation, or the legal proceedings in 1639 it is hard to say, but it gives us an idea of the embarrassment to trade these independent Corporations were, and why it was the

1) D. C. III—371. 2) D. C. III—379. 3) D. C. III—545, 549. 4) Egmont M. S. S. I—70, 71. 5) T. C. D. F. 3. 16. 6) R. P. VIII—163, 165.

non-free merchant and the proletariat were so hostile to their claims. That a legal decision on some points had been given late in 1639 is shown by a letter from Strafford to Redcliffe, in which he promises a Royal Warrant "for taking away exactions in Corporations", which Warrant would be of no avail if these exactions had not been proved to be illegal.[1] From all these we can deduce an abolition of many of the existing duties, and a recovery for the Crown of those, which had, during the Elizabethan Wars, been assumed by the municipalities.

On the downfall of Strafford the triumphant Parliamentarians demanded the enactment of the Statute of Limitations, whereby 60 years possession was to be regarded as a bona fide legal title. A note of Radcliffe's gives a clue to the enthusiasm of the City burgesses during the past 20 years for that measure, which has usually been regarded as purely an agrarian question. A Statute of Limitations would have vested in Corporate, Official and private hands all those traditional and prescriptive tolls, and what was more legalized for eternity those that were mere traditional fees created by municipal power. Radcliffe implored the authorities in London to realise this before they sanctioned that act, but whether this was done or not by a drafting amendment it is nearly impossible to say.[2] A letter of the Lords Justices looks as if they were dubious of the real meaning of the Act subsequently passed.[3] As it was the Act deprived the Revenue of nearly £ 4.000 a year, which had been recovered during the reign of James and the earlier days of Charles.[4] The very fact, however, that, at the later date, the Corporations petitioned that writs of Quo Warranto should never be levelled against them, shows that their legal advisers had advised them that their "exactions" were still in peril, while their plea for an exemption from the Law of the Land on the ground that such writs were only issued to make money for lawyers makes one admire the ingenious reasons that particular persons can advance for their own "particular ends". Radcliffe's advice however had born good fruit. The Royal reply was very cold, and was confined to a promise that writs would only be issued "on reasonable grounds".[5] The Dublin Corporations Agents,

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1) R. C.—189. 2) C. S. P. 1641—266. 3) C. S. P. 1641—282. 4) C. S. P. 1641—285. 5) C. S. P. 1641—294, 321.

who set off to London in high hopes of recovering all their ancient powers, came back with very little. The Corporation was empowered to nominate six magistrates, their Mayor was created a Lord Mayor, and a pledge was given that no export duty would be placed on coal.[1] Another demand they procured was that the garrison was to stay outside the walls, this ancient question cropping up again the moment the Government weakened. In a few months the Corporation were praying for its return. In October 1641 the castle was within an ace of being captured by certain Ulster Philibusterers, and the whole city was in a panic lest it might be sacked within an hour, citizens straining their eyes eagerly along the roads, in terror less the rebels might arrive before Ormonde's troop. Willoughby, Strafford's Sergeant Major, was received as if he was an angel from Heaven. From this date the cities passed, for nearly a decade, under the control of Martial Law, and all municipal affairs, in all the cities, reverted to Elizabethan conditions, the free and non-free clinging close together behind their walls, and gladly submitting to Ormonde, St. Leger, Inchiquin, and Broghill or whosoever had sufficient forces to protect them from the hillsiders without.

Never again, however, were the Free destined to recover their prerogatives. Never again did the Corporation become Masters of their hegemonies. Though much of the Strafford regime perished with his fall this foe to prosperity, this incubus on trade, this ascendency over the meaner sort never revived, at least in the shape and form which he found, and which he, amidst great applause, destroyed.

1) D. C. I—37, 38.

Chapter II

THE PRODUCER AND THE CONSUMER

"I know your Lordship values not any idle applause from the people, nor can I wish that you or any wise man should set up any rest upon it. Nevertheless a great advantage it is to a King himself to keep his power, and yet retain the love of his people. So is it to any man that serves in great place under a King, especially such as your Lordship bears. Besides, you are very right, that the weal of that people procured and settled by you, cannot but be great honour to you in after ages". ARCHBISHOP LAND.

The Trade Regulations of the Tudor period, though seeming to be in restraint of trade, judged by modern ideas, should not be regarded as aimed at the destruction of the trading element. Queen Elizabeth and her advisers were certainly not prone to action, calculated to hamper their only consistant allies, allies too on whose loans the Executive largely depended. Merchants are singularly touchy in their pockets, and an Act of State that alarmed these Gentry might have disastrous consequences. The trade restrictions were based on an Act of Parliament passed in the eleventh year of Queen Elizabeth, a Parliament in which the burgesses of the cities sat, and no doubt made their voices heard, and their votes felt. These restrictions were in full accord with the economic views of the day, when the State bent to its own will the laws of supply and demand. How they were regarded by the burghers can be assessed from the following complaint made by the Dublin Corporation against Elizabeth's dispensing with the restraint on the exportation of yarn. "By granting of licences for the transportation of yarn, contrary to statute, the city and the whole realm hath sustained prejudice. It may therefore please Her Majesty to grant that the said merchandize be wrought within

this realm, which would not only furnish the Country with money, but also relieve the poorer sort."[1] These restrictions were as nothing to the restrictions on English trade. The vast crop of literature that has grown up round the theory that Tudor legislation suppressed Irish Industry to create English commerce, forgets that it was in Tudor times that Irish Industry and commerce came up as a vested interest and a political party, and that, at that epoch, the rival commercial interests of England did not constitute such a power on the Council as to be able to sway the decisions of Queen Elizabeth. To that hard headed virgin the development of Irish trade meant peace and revenue. The merchant and the prentice never "rose out" and were ardent enthusiastics for "the arbitrary Government". They also lent her money, and it was hoped would some day pay her taxes.

These restrictions imposed on by the Irish Parliament forbade the export of tallow, hides, timber, butter, yarn, and grain, and above all grain.[2] The aim of this latter restriction was to keep bread cheep for Her Majesties' soldiers, about "the cost of victualing" whom there were constant complaints. We may be sure also that the Queen's advisers never lost sight of that old maxim of State that a hungry commonality spells revolutions and "risings out". The Tudors could scarcely be described as saints or humanitarians, but their political instinct made them identify themselves with the commonality, who were their main support against the Great Lords of England and the "Great Ones" of Ireland. Some of Elizabeth's dispatches reveal the mentality of a modern Labour Member, and we must never forget that it was the Puritan trade bands of prentices and artizans in London that saved "bloody Mary" from the Duke of Northumberland and his nominally Protestant levies. The same Royal policy was pursued in season and out of season on Ireland. To ship grain from Ireland without a licence was a very dangerous act. In 1589 the penalty was death.[1] In 1588 when the Spanish Fleet was on the high seas all shipping was retained in harbour. At last the order of their release came "weighing the poor state of the towns and cities", but every vessel before release was searched for corn.[3] In 1592 corn was very cheap and in great plenty.[4] The embargo was

1) D. C. III—520. 2) C. M. S.—85. 3) C. S. P. 1589—268. 4) C. S. P. 1588—98.

released, but not on terms calculated to encourage exportation. Those who desired to export had to pay 5/- per quarter, and had to sue for a special licence.[1]

There was always destined, however, to be trouble over the exportation of corn. The farming interest were always badgering the Royal officials, either for a special licence or a general removal. The growth of Irish shipping also had brought into being the ship owner anxious for his freights. We met him constantly in the State Papers advancing sound and solid reasons for the removal of this embargo, chief of which was "bringing money into the country". The officials themselves were also favourable. Political conditions brought them frequently in touch with the Lords and the Gentry, to whom this embargo was anathema. This latter class also paid rents and compositions, and was always refusing payment, because it could not sell its corn at a reasonable profit. The Venerable Miler Magrath—a large landowner too—one time told Elizabeth that if this embargo continued "many Undertakers and farmers will run into arrearage of their rent, for which in the end they must have forgiveness, "while the wily ecclesiastic drew an ideal picture of the vast revenue the Queen would enjoy, if she permitted the exportation, and imposed a standing export duty.[2]

One has accordingly to take the statements of Deputies that corn was a glut on the Irish Market with a grain of salt. They were very anxious to get the embargo raised so that the rents might come in easier, and, as many of the officials were landowners themselves, they were by no means zealous for cheap bread. When Fitzwilliam was Deputy we read that "the realm was bountiful in all kinds of provisions, as corn was little worth". This was at the height of the Civil Wars.[3] In 1612 a man wrote to London making the astounding assertion that the price had dropped to 18d a barrel in Ulster, a price to which it never sank even in the Strafford regime.[4] St. John the Deputy said that Ireland could "spare great quantities" for exportation to England.[5] And yet from other sources we get constant complaints of "the high rates and prices of victuals to the soldiers and subject", the "excessive

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1) C. S. P. 1592—519. 2) C. S. P. 1592—492. 3) C. S. P. 1600—94.
4) C. S. P. 1611—226. 5) C. S. P. 1614—502.

dearth", and the joy at the tidings that "commodities" were coming from England.[1] It stands to reason that, after the war and during the resettlement of the agrarian question, tillage must have suffered a set back. Add to this the constant complaints of "wastes" and the deductions from the "cess" for "wastes", and we realise why both Tudors and Stuarts set their face solidly against the clamour for exportation, though their financial interests and their English popularity depended on quite the contrary course. We know for a fact that over "half Connaught" tillage was almost unknown.[2] We may accordingly take it for granted that, if free exportation had once been allowed, the scarcity of bullion in Ireland would have driven the food supplies down to the ports, and the comparative plenty of money in England acted as a magnet to draw them across. In 1631, on the mere rumour of a free exportation, the price jumped in one week from 15/-s to 22/-s a barrel.[3]

Only once was the embargo raised and that in 1628. That year was the year of the "Graces" when Charles, without consulting the Irish Council, gave an eloquent and cheerful Deputation of Royalist Irishmen everything they demanded with disastrous results, and amidst great indignation on the part of other Royalist Irishmen, at whose expense these concessions were made.[4] Charles thought he had solved the whole problem by a declaration that the embargo was to be resumed if the price in Ireland rose above 10/-s a barrel, and to be taken off whenever it sank below the limit. Charles was a well meaning Monarch, but he knew very little about Ireland. Who was to decide when corn was at 10/-s a barrel? As can be imagined the ports were flung open. What is an extra penny in the loaf to farmers of thousands of acres, to city burghers battening on the harbour dues, to great officials at least freed from the importunity of the exporters?

In 1629 "the dearth of corn was very great and the poor people are not relieved".[5] In 1630 the Earl of Cork appealed in vain to have the embargo restored. In 1631 prices were still soaring.[6] At this period, while corn was pouring out of the Irish ports, the Country was actually purchasing corn in England and

1) C. S. P. 1602—305; 1603—667; 1602—28. 2) T. C. D. F. 3. 16. 3) C. S. P. 1631—602. 4) C. S. P. 1628—146. 5) C. S. P. 1629—446. 6) C. S. P. 1630—589; 1631—598.

shipping it back to the same ports.[1] The tangle of dissensions, in which the Executive was immeshed at this period, resulted in a policy of vaccillation, in which it is impossible to say when the embargo was on, and when it was off. In 1631 with prices at 16/-s a barrel the embargo seems to have been suspended.[2] In the same year it was revived, and then remitted because there was a scarcity in England. In that year 10.000 quarters were released with an assurance that "the King will never under any pretext sanction another export".[3] When Strafford arrived the export was in full operation.

The explanation of these gyrations is obvious. The Government simply took the line of least resistance, and obeyed whosoever shouted loudest. An angry correspondence between the Lords Justices and the Galway Corporation gives us a clue to some of the difficulties. The Aldermen had reported that corn was over 10/-s in the West of Ireland, and had secured a revival of the embargo. The Council then received an angry letter, signed by a Bishop and all the great names in the West, vehemently asserting that corn was 9/-s 4d a barrel, that there was "no encouragement to husband-men to plough", and that in a few years all Connaught would be grazing land. The Council accused the Corporation of "abusing us by misinformation to draw from us a direction in prejudice of the country". The Corporation retaliated by saying the petition was the work of one man, Marcus Lynch, who had a ship already laden with grain, ready to sail if he could procure the remission of the embargo, and drew the attention of the Council to the poor commonality and "the poor soldiers".[4] At the same period Parsons wrote gloomily to London hinting at "secret dealings in corn".[5] One has a hazy impression —the Galway Merchants were great exporters, regrators and forestallers—that the embargo meant cheap corn they could place in their barns, and then, at a seasonable moment, off with the embargo, and up with the prices! Miler Magrath gave them a very bad character in regard to the yarn trade, and a tenderness for "the poor commonality and the soldiers" does not appear elsewhere in their Municipal records.[6]

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1) C. S. P. 1628—146; Dom. 1637—291. 2) C. S. P. 1631—604. 3) B. L—332. 4) Ormonde and Fingall. M. S. S.—478—479. 5) C. S. P. 1631—604. 6) C. S. P. 1592—563.

We must remember that the growth of "civility" had been accompanied by the rise of the profiteer. Carew attributes the scarcity of corn in 1603, "to the keeping stores needless by in order to raise prices, more than to the scarcity".[1] He and the usurer appear at intervals throughout the documents of this period. Chichester's Parliament petitioned for his abolition.[2] St. John when Viceroy denounced "the fretting canker of excessive usury ruinating estates and overthrowing houses", and put into force an Act of Henry VII. imposing "heavy penalties on this ungodly trade".[3] This development of civilization always effects the price of corn in Ireland, the gombeen man being, like his creator the poor, "always with us". A public spirited parson petitioned Charles on the matter. "Fifteen per cent per annum is small usury amongst us, Your Majesty. The usury charged is sometimes a barrel of wheat worth perhaps 36s for a loan of 20/-s".[4] In 1612 by an Act of State all the forestalling and regrating Acts of the Tudors had been put into force.[5] At a later period Justices were ordered to search barns for food hoarders, to warn notorious forestallers off the markets, and buying to sell in the same market was made a penal offence.[6]

All this, however, was useless. Acts of this nature cannot be enforced in Ireland by private persons. In nine cases out of ten the Clerk of the market was an Alderman in a city, probably the worst offender himself, and it would be a brave man who would sue him or a powerful forestaller in a Municipal Court.[7] No doubt the authorities had some vague idea that "the meaner sort" would summon the Alderman before His Majesty's Courts, but they forgot the traditional Irish attitude to leave the administration of the law to the officials of the law. What was more, at this period,—Strafford was emphatic on the point—the commonality could not understand Law Courts, their forms, procedures, and abracadabra. This same Clergyman, the Rev. Richard Bell, emphasizes this point. "In the Sheriffs Courts and Corporate Town Councils the proceedings are unjust. If the Lord Chief Baron bid a man come to Court he comes. He shooteth a

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1) C. S. P. 1603—667. 2) H. C. J. I—17. 3) Council Book of Youghal. Caulfield. p. 55. 4) C. S. P. 1625—1660 p. 276. 5) B. L.—20. 6) B. L.—25, 30, 31. 7) T. C. D. F. 3. 16.

bolt at him, and he is undone. The bolt is 'it is irregularity to speak here'." [1] Strafford's comment on the functions of the Clerk of the Market were characteristic. "I never knew any benefit the Commonweal reaped by the endeavours of that officer. For anything I ever saw in England he rather intends a little private profit for himself than the duty he owes the public." [2] Strafford was destined to encounter a glaring case of this in Dublin. Be that as it may, on his arrival in Dublin he clapped on the embargo on every port, and this time there were no remissions or evasions.[3] On his downfall the parliamentary agents spoke very strongly about his "restraint" on the legitimate trade of exportation.[4]

What had contributed largely to the agitation for the removal of the embargo was the rise of the "projector". This species of financial adventurer flourished largely in these times, and fulfilled the same functions in public life as the Army contractor and the concession hunter does to-day. In those days, when taxes were few and revenues scarce, it was a very tempting thing for the authorities to sell to some merchant the right to export a few shiploads, not sufficient to raise the price, but quite sufficient to cause the most intense dissatisfaction to the rest of the community, who had not that privilege. In Chichester's Parliament the great argument advanced by the opposition against an embargo, whereby there was "a general scarcity of coin and a great store of corn", was that Chichester had formed out licences of export to "particular persons". Sixpence a barrel was the impost on these two projectors, but James' Committee on Irish affairs abolished the scandal.[5] The practice, however, must have continued, if not on this, at least on certain other of the prohibited articles, because in 1628 a revenue of over £ 200 came from licences to export. It is nearly impossible to realise what a plague these "projectors" were to Statesmen. They poisoned the atmosphere of all politics. Strafford's correspondence teams with wrangles over these proposals which the Council in London calmly foisted on Ireland, many of them emanating from Ireland too, mining rights, the coal monopoly, tallow, every conceivable subject, even to the astounding suggestion, which caused a breach between him

1) C. S. P. 1625—1660. p. 276. 2) L. S. I—307. 3) B. L. p. 34. 4) C. S. P. 1641—239. 5) C. S. P. 1613—379.

and an old friend, that the latter should have the sole right to vend Irish butter.

One of these poor creatures anxious to turn an honest penny bethought himself of the Irish export trade, and got the Council to recommend the following proposal to the astonished Strafford. It was that he should be the official gauger, that he should enforce barrels of larger dimensions than those in use, that he should have the sole right of making and selling such barrels, and that he should pay the Revenue £ 500 a year for the privilege. Strafford fell on the proposal and tore it limb from limb for the following reasons:

(1) Larger barrels meant a less number to cover the export trade. As the duties were imposed on the barrel the King would lose £ 2000 a year.

(2) Foreign buyers would not alter their rates per barrel, and the people would lose the transaction.

(3) Small barrels are easier for transport.

(4) The Irish Parliament had been promised that the old dimensions would stand.

(5) The patents, instructions, rules and regulations of every Customs official would have to be altered.

(6) It was doubtful, if the projectors fee of £ 500 could be made good by him unless by "great clamour, expense, and trouble".

(7) Since the projector had such influence in high places it would be best to reward him with the vacant post of Clerk of the Market, in which capacity he could do little harm, as the State was now taking over all that official's functions and cutting down his perquisites.[1] Under pressure of these reasons the Council withdrew the proposal, and in the stately language of the day it was apostled "Mr. Kirke's suit to be stayed". Mr. Kirke it should be added was a groom of the bed-chamber, who hunted for projects in company with the great projector of the period, Endymion Porter, and, till Strafford's arrival, badgered all and sundry in Dublin with curious and remarkable projects.[2] The incident is a good example of the daily gauntlet of proposals the Deputy of the day had to run, supported by men he could ill afford to alienate. It is also a good example of the "thoroughness" with which Straf-

1) L. S. I—307. 2) C. S. P. 1628—30, 234, 380, 434, 455.

ford mastered his brief, before entering on his joust with the Council.

The real solution of this subject of prices, this perpetual controversy between the producer and the consumer, lay in a solution of the land question, and such a development of industry as would enable the townsman to pay a reasonable price to the farmer, and such an extent of cultivation as would prevent corn rising in price through scarcity. As we know the strict enforcement of the Plantation Covenants, the final settlement of Defective Titles, and the compulsory enforcement of leases for periods of not less than 20 years gave a fillip to tillage, which was slowly being submerged by the revival of "creachting" and the yearly tenancies. Add to this the absolute security, and one begins to understand the enormous social strides Ireland made in these eight years of Strafford's regime.

The exportation of corn had to be stopped. What however strengthened Strafford's hand in taking that step, which was bound to lead to an outcry, was a letter he received from the Spanish agent. He had been negotiating with that country for the development of an Irish and Spanish trade, and especially for the victualing of the Spanish fleet out of Ireland. That contract the agent reported could be best secured if strangers, especially the Dutch, were forbidden to skim the cream off the Irish Market, or to export corn to Spain and take the middleman's profit themselves.[1] The proclamation forbidding the export of corn and butter, was already drafted, but, on receipt of this letter, Strafford "instantly expedited it".[2] When Parliament assembled next year the matter was compromised on the understanding that no corn was to be exported, if the price in Ireland was over 10/-s a Bristol Barrel.[3] Chichester seems to have anticipated such a measure when he suggested "penning an Act" which would allow the exportation and yet "prevent the scarcity and dearth which the avarice of Merchants will otherwise bring upon the realm, as late experience hath taught us".[4] This was the arrangement the King had laid down a few years before, and which was so frequently evaded. A barrel was four bushels, or half a quarter.[5] In an

1) L. S. I—95. 2) L. S. I—108, B. L. p. 34. 3) L. S. I—315. 4) H. C. J. I—33. 5) C. S. P. 1631—604.

estimate of currant prices in Ireland to the Spanish agent, Strafford gives this limit of 10/-s as the "usual" price in Ireland, from which we may deduce what a rise in prices free exportation caused, when we remember that it rose to 16/-s in the year of the free exportation. In the year 1599, which was a bad year, owing to the Civil War, it was 16/-s also. In other words free exportation of wheat weighed quite as heavily on the Irish poorer classes as a devastating Civil War.

We must also take into account certain other features of the administration which eased the situation. The smuggling of prohibited articles, such as grain, came to a dead stop. The sensational prosecution of the Lord Mayor of Dublin for forestalling must have caused grave qualms in financial circles ,and brought to an end that municipal distortion of market values. The opening of the Municipal Markets to the non free, the restraint on Market tolls, the resumption to the state of all the Ulster Fairs, till then in the hands of seignory lords, and finally the constant session of the Castle Chamber, where a complaint against a powerful forestaller was welcomed, no doubt did much assist matters. In all the State papers of the Strafford regime there is no reference to the corn question, no complaint of dearth—save one of a bad harvest in 1640—, from which we may deduce that what was a stormy subject in the twenties excited no passions in the thirties, and therefore must have been arranged "to the contentment of the subject".[1]

Whether corn ever sank below the limit of 10/-s it is impossible to say. The Spanish agent says that for a large quantity the Spaniards were ready to pay8/-s.[2] The only figures we have at all are the export returns for 1640/1, in which no mention of wheat occurs, from which we may deduce that, in that year, wheat was over the 10/-s. On the other hand over 4.000 quarters of oats and rapeseed were exported, which would come under the general term of corn.[3]

That the agricultural interest suffered by the regulation is unlikely. Never before or since was there such a boom in agricultural land once tenures became certain, leases the rule, and peace a normal thing. Private dossiers and official documents

1) Cecil M. S. S. IX—271. 2) L. S. I—105. 3) C. S. P. 1669—54.

alike tell the same tale. "Purchasing of lands" wrote a Squire at that time "is now become one of the best traffics in action. The yearly value does so mightily advance that even those purchases, which but three years since were estimatet marvellous dear, are proved by now to be very advantageous.[1] Radcliffe, who managed the financial side of Strafford's administration said many years later that "all lands throughout increased nearly double in yearly value and rents within the compass of these seven years".[2] It is not till we comprehend this agricultural boom that we realize one of the motives of the Ulster rebellion. Every outbreak that has ever occured in Ireland has synchronized with a rise in agricultural values, when the price of land soars to a height that the landless are unable to purchase or rent. This is what the Elizabethian Statesman meant when he said "Ireland has to be conquered every fifty years".

On Strafford's downfall the Irish Parliament demanded ferociously that the ports be thrown open. "The export of corn" they told the King "should be permitted free of licence".[3] That concession they procured. Then came the Rebellion. In 1642 wheat was 22/-s a barrel.[4] In 1647 when wheat could be found it was 34/-s a barrel, an increase of 240 % on the price in 1634, and the land that once "had as much corn as might supply England after providing for its own needs" was now importing it at famine prices.[5] Petty when he began his survey reported that the price had risen to 50/-s where, before the rebellion, "it was 12/-s a barrel".[6] This Rebellion, which had been a theme for poets and arapsodists looks well in political history, every actor looming large and stately in his shining armour. Within three months after its outbreak a friar wrote to Spain the news that "the roll of bread that used to cost one penny now costs sixpence".[7] Proelia disponunt reges. Plectuntur Achivi.

Another restriction aiming at the abolition of the export of food was one imposed on butter. It is very doubtful however if it was ever enforced. It hardly figures at all in the State papers, from which we may deduce that its exportation was permitted. If

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1) Egmont M. S. S. I—77. 2) L. S. II—435. 3) C. S. P. 1623—1660. p. 239. 4) Ormonde M. S. S. I—82. 5) Egmont M. S. S. I—421. 6) P. P. S.—21. 7) Franciscan M. S. S.—112.

it had been otherwise, the question of removing the embargo would have been a great political issue. Strafford forbade the exportation in 1633 but removed the embargo at the end of the first session of his first Parliament.[1] The average price in his time was 25/-s per cwt, and the exportation the year before the rebellion was 34.800 cwt.[2] The probability is that the plenty in Ireland was such that the original exportation was found, after some time, to be unnecessary. The Act however was still on the Statute Book, and an Act of State reviving the embargo could, at any time, be put into force. The inevitable projector saw in this an opportunity, and made the inevitable proposition. In this case it was an unfortunate affair for Strafford. The projector was Sir Arthur Ingram, who had been High Sheriff the year Strafford was first elected for Parliament, and, after the mode that time, had been his firm supporter.[3] He is a very good example of the great financier in high politics, dabling in everything from petty farms to State loans. There is no evidence that he was corrupt, but he was a man whose influence percolated into so many quarters that it was a brave man who would stand up against one of his financial projects. His proposal was to purchase the sole right of exporting butter from Ireland. Strafford refused with characteristic coldness to allow this "great prejudice of trade here". Then there followed the inevitable gift.

These gifts were the custom of day. It is nearly impossible to say whether a gift was meant as a bribe or a courtesy. The Earl of Cork one time sent £ 1.000 as a New years' gift to Portland.[4] On another occasion he sent his servant with a gift to Strafford. Strafford refused it, but when, in turn, he offered a pourboire to Cork's servant, that indignant Irishman spurned it, and "would not be beholden to him".[5] Strafford always refused to take these gifts. "I would not", he wrote to Ingram "have had you trouble yourself so far with me as to have presented me with anything, much less with anything of price, so as indeed I would have returned your Muscadine back to you again, had it come at a such distance as I might have done it with any conveniency. But although esculenta and poculenta be not bribamenta, yet I do not use to take anything of that nature". Other financial differences

1) L. S. I—106, 293. 2) L. S. I—110, C. S. P. 1669—66. 3) L. S. I—6. 4) C. P. I—158. 5) L. S. I—161.

arose. Strafford disagreed with the younger Ingram over the perquisites of the Customs' farmers, and refused to side completely with him in a deadly feud between him and the other farmer, Lord Mountmoris. In the election for the Long Parliament young Ingram stood under the ominous auspices of Holland, and was duly elected to be one of those who sat on the Committee for drawing up the indictment against Strafford. He voted for the Death Penalty.[1]

No doubt the vote was given for high State and good conscientious grounds, but the effect of this constant rejection of "suits" was to make enemies and alienate friends, to drive into the opposite camp that large vested interest who "are not in politics for the good of their health". The Parliamentarians made a great splash with disqualifying for seats in the House all those who held patents and projects. They exempted however from political banishment those patent holders who voted with their own caucus.[2] "They threw out of the House", said a pamphleteer of the time "some monopolizers as unfit to be law makers, because their principles were not fit for the present turns of the powerful party there, and kept in others, as great monopolizers as those they threw out, because they complied with them in their ends".[3] In these circumstrances one understands why the boon of Liberty did not produce the anticipated Millenium. "This is a mystery of iniquity" wrote a disillusioned Puritan "which fills the saints' pockets with money and the World with wonder".[4] A political party achieves nothing if it does not provide for its hungry camp followers.

Timber, whether raw or manufactured into pipe staves, was also a forbidden article of export. This regulation dated from the early days of James. That Monarch seems to have been very particular about the destruction of the forests, partly for economic reasons, partly because they constituted the raw materials of the Navy and the Mercantile Marine. The Glenkonkein forest in Ulster was leased to the London Corporation under an iron condition that it was only to be used "to the furtherance of the Plantation and all necessary uses within Ireland, and not to be made

1) R. P. VIII—14, 59. 2) C. H. I—100. 3) Rich. Overton. The Outery of the Oppressed Commons p. 516. 4) Hist Independents. Clem. Walker. I—173.

merchandise".[1] Undertakers requiring to cut down trees, or to procure them from forest shad to get a warrant duly signed by the Commissioners.[2] One of the reasons why the London Corporation were deprived of the Derry Plantation was their vast depredations in the forest. James in his confidential instructions to the Council had written "You are to inquire of wastes of wood and timber, and the means how the same may be preserved, not only our own woods but also those of our subjects, yet with such moderation, that you neither press too far upon their private interest, nor yet by sparing the private be negligent of the public, but so as to provide that sufficient be preserved for shipping and other public services".[3] It is to be feared however that these were counsels of perfection, especially at a period when the State had not a large crop of officials to count the trees in every wood. In 1609 all exportation of timber was forbidden.[4] This however did not assist matters. A bar on exportation did not prevent the forests being cut down for smelting purposes. Chichester said, in the following year, that the rents for the forests was so high that no power on earth would prevent an owner subletting them to contractors.[5] In the meantime English importers had been clamouring loudly for the cheap Irish timber. To satisfy both sides and, at the same time, make revenue out of the transaction, James sold to one Henry Mitton the sole right of exporting pipestaves, having first fixed the number to be exported. This arrangement however only lasted three years, and after that a vacillating policy prevailed.[6] The embargo was always either in a stage of being imposed to preserve the timber, or of being taken off to satisfy the clamour of Irish exporters and English importers, and Hadsor, the Solicitor to the Irish Committee, got hold of a really painful scandal. Close to Youghal there was a large forest, in which a special commission had marked 10.000 trees for preservation, in accordance with Royal instructions. In 1632 all these had vanished.[7] This incident alone shows the difficulties of administering laws such as this. One of the two Lords Justices to put this law into force was the Earl of Cork. He was the proud possessor of this forest. Not only did he do a roaring trade

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1) C. M. S—37. 2) C. M. S.—60. 3) L. P. 2. S. III—47. 4) C. S. P.. 1609—174. 5) C. S. P. 1610—422. 6) B. L.—24. 7) C. S. P. 1632—682.

in the exportation of timber, but he did a greater in selling the timber to a contractor called Blagnall, who leased the local iron works.[1] In England this was a very serious offence. An iron master, by name Richard Foley, was fined heavily in the Star Chamber for using the forests for his smelting operations.[2] In Ireland, however, official laxity and popular opinion proved an unsuperable obstacle. Pipestaves it should be remembered sold for at least £ 6 a thousand. What smelters like Blagnal paid to landowners is known to students of the Lismore Papers. With the Irish Officials financially interested in cutting down the timber, and every farmer in Ireland on their side, it stands to reason that the Royal Proclamations were not exactly a success.[3] An effort was made to check the exportation by enforcing a licence to export at 10/-s a thousand pipe staves. Such a trivial duty was no deterrent, and the revenue benefited not one whit, as by Royal Patent it was made a perquisite of the Lord Deputy, and his secretary. Thus, at official headquarters, there was another powerful vested interest created, singularly and naturally hostile to any enforcement of the embargo on exportation.[4]

When Strafford was reorganizing the finances of the country he saw in this exportation an easy method of raising revenue by a duty which "fell on the transporter and not on the native", whose incidence of taxation scarcely effected legitimate Irish trade. He surrendered to the Irish Treasurery his Vice-regal perquisite of issueing and charging for the export licences. He then raised the cost of a licence to £ 3 per 1.000. All licences had to come through him, and he fixed the number of pipe staves to be exported at half million. The Customs duties had been fixed on the basis of 8/-s per 1.000, if sent abroad, and a lesser rate if sent to England. A device of altering pipe staves into barrel staves to escape the tax he frustrated by extending the licence to them also. The results were most profitable. The exportation was rigidly kept under half a million staves a year. Where no revenue came into the public purse before, £ 1.500 a year came steadily in after his reform. In five years the licence revenue from staves came to £ 8.339, and the Customs equalled £ 1.600, all paid by the

1) L. P. I. s. I—17, 144; II—13, 17, 18, 57. 2) Dom. 1636—435, 441.
3) T. C. D. F. 3. 16. 4) R. P. VIII—25.

transporter. Thus as Strafford put it "there was a saving of timber and a considerable revenue raised forth".[1]

Naturally this gave great offence to interested parties. The very fact that the Deputies' licences of 10/s had been raised to £ 3 caused those who wished to make trouble to spread the tale that the money went into his private purse, and to suppress the fact that he had lost on the transaction by surrendering the income from licences to the Exchequer. That rather shady semi-political semi-financial agent of the Marquis of Hamilton, Barr, laid a paper before the King accusing Strafford of this identical offence, which was part of a far reaching intrigue to get the farm of the Customs into Hamilton's hands. At the time Strafford did not realise who Barr masked, and assumed it was Lord Wilmot, whom he had prosecuted for "passing away" the Royal Lands of Athlone. It was not till much later that Barr's supporters were discovered. Strafford was easily able to show that the whole revenue from licences passed into the Exchequer.[2]

Nor did the matter rest there. The charge of imposing exorbitant dues on pipe staves for his own personal profit constituted the XIth article of his indictment. It appeared in full glory and aweinspiring language in the pamphlet scattered abroad through England, detailing the charges, but, like many others, it was never put to the test. In the stately language of the prosecution "for the present they laid it aside".[3] "Will they may" sneered Strafford, "for the plain truth is, if it hath been proceeded in, it would have appeared that there is come £ 1.500 gain to the King, £ 400 loss to myself, and preserving of woods, and that is all that would be made from that article".[4]

Another severe tussel with the projectors arose over the inflammable subject of coals. It is true there were a few mines in Ireland, but they were far from ports, transit was difficult, and neither in quality nor quantity were they sufficient for the needs of the country. One of these belonged to Wandesford, who sold that valuable commodity for ninepence a load, sixpence royalty and "threepence to the digger".[5] Coal was usually imported free.

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1) L. S. I—128, 129, 191, 296, 316; II—91; C. S. P. 1641—311. 2) L. S. I—383, C. P. 11—5. 3) R. P. VIII—252. 4) R. P. VIII—652. 5) Tracts and Treatises Thom. and Co 1860. p. 109.

It is true that, in 1599, Elizabeth, for reasons of revenue, had laid an impost on the exportation into Ireland. The Viceroy Mountjoy, however had procured its withdrawal. "Great want of firing into Dublin", "hard living in winter, and the ensuing want among the meaner sort" were some of the reasons by which he succeeded in procuring its removal.[1] It seems to have been revived in 1635 in the shape of an export duty of 5/-s a chaldron, but a strong protest from Strafford and the Council procured its temporary remission.[2]

The official who resurrected this duty was Sir William Dawes.[3] Some years later when he made some more financial propositions Laud made the following comment. "To speak freely from whence this advice came I protest I do not know, the number of projectors have been so very many."[4] After further inquiries however he was contrained to make the cryptic remark that "in this particular there is a dominus opus habet, and that will go far in all this business".[5] Suffice is to say that in the Spring of 1635 it was operating again in full blast. A fiery letter of protest from the Dublin Council, obviously penned by Strafford, seems to have been of no avail. It relates how fifty ships came into the harbours in one month without a ton of coal on board, which was proof conclusive that the impost was defeating its own object that of raising revenue, and would in the end only divert shipping elsewhere. A "rise in price" was staring them in the face in Dublin, and, if the Irish public purchased at the increased cost, "it would be a heavier yearly burden than two subsidies".[6] In order to ease the situation in Ireland, or as he put it "in consequences of the excessive dearth of coals and the number of persons who claim to exercise the right of buying them at the King's rates", he surrendered his own right to purchase coals duty free, and deprived the officials of their similar prerogative.[7] On his arrival in London that summer he harangued the King and Council on the theme that making Ireland pay an impost like the French and Dutch, was treating them "like foreigners", but even so, it was only "with much difficulty" that he got this tax removed, one, which it must be remembered, weighed very heavily on the poorest

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1) C. S. P. 1599—102. 2) L. S. I—433. 3) Dom. 1635. p. 231. 4) L. L. VII—382. 5) L. S. II—169. 6) C. S. P. 1636—130. 7) B. L.—34.

classes, and constituted something very like a duty on a necessity.[1] Strafford, himself, regarded it as one of those taxes which should not be imposed on a country whose financial growth was in its infancy, and he told the Council at a later date that "five times as much could be born without doing any hurt, where a little pulled from them at first breaks off their fruit in the very bud".[2]

It is obvious that behind this imposition there must have been a very powerful interest, to secure its revival after its removal, and to be able to cause Strafford "much difficulty" when he came over in a blaze of triumph. Laud's suggestion that Dawes masked a "Dominus" who "opus habet" was not very wide of the mark. Clarendon in his memoirs gives Dawes a shocking character. He was a partner with Portland, and the pair had fleeced the London merchants.[3] Clarendon's private dossier also shows that Portland, the Treasurer, with whom Strafford was always at loggerheads, owned a third part of the farm of this impost.[4] Farms were worked on the basis by which the farmer paid a fixed rent, and put the proceeds of the duty in his pocket. Accordingly the Treasurer of the Council was strongly opposed to the slightest reduction in the yield of this duty. The profits of this farm had already been deminished somewhat. The King had refused to allow the impost to be placed on 10.000 tons, specially drawn for the poor of London. The Channel Islands also, like Ireland, declined to be regarded as "foreigners", and had secured exemption.[5] On Portland's death the farm seems to have been reorganized, and a new syndicate was formed. It was this latter syndicate that re-imposed the duty. Two-thirds of the shares were held by the Earl of Dorset, and Lord Holland, with whom it was Strafford's destiny to be always at war. Each of these two drew a profit, after paying expenses, of £ 1.200 per annum, in which sum the exemption of Ireland must have made a tidy hole.[6] The collector of the duty all during both syndicates was a Mr. John Hawkins, who was Holland's secretary.[7] We accordingly find two others powerful personages reduced to a frame of mind not calculated to wax enthusiastic over Strafford's Irish administration. As we know both Dorset and Holland played leading parts

1) L. S. II—20, 23; Dom. 1635—8, 244. 2) L. S. II—89. 3) Clarendon Memoris I—22—25. 4) C. P. I—159. 5) Dom. 1634—598. 6) H. V. C. VIII—195. 7) Dom. 1632—300, 255.

in his downfall. Like Ingram probably they were actuated by eminently presentable motives, but this constant war on the "projectors" raised up enemies on every side, whom he could ill afford to have against him at a latter stage.

The tallow trade however was a more serious affair. It was one of the great exports of the period. At the close of the Strafford regime it had reached the limit of 20, 136, cwt. In that year 617 cwt of candles were also exported.[1] At an earlier stage its export had been forbidden, it being one of the articles named in the Act 11. Elizabeth, in order to keep Irish prices down. The growth, however, of Irish plenty rendered it unnecessary towards the reign of James, and its export was permitted, subject to a Customs duty, first of 1/-s per cwt and subsequently of 2/-s.[2] Licences were necessary for the export, but there does not seem to have been any payment exacted for the licence. Prices in Ireland rose accordingly, but certainly not to an extent that would justify the reimposition, especially in view of the fact that tallow was not an absolute necessity of life, and its exportation was of great financial assistance to the country. In 1606 it sold 1d per lb. In 1611 it had reached $2^1/_2$d per lb.[3] At about the same period a Royal Proclamation was issued fixing the price of candles in Dublin at $3^1/_2$d per lb.[4] The very fact however that one of the "Graces" of 1628 requested a free export of Tallow, and that it was reiterated in Strafford's first Parliament shows that occasionally a restraint must have been threatened or imposed, though there is no official record of its existence.

Just after Strafford's arrival in Ireland a vast combine was formed in London with the sole right to manufacture and sell soap. The economic ideas of the day considered it fit and proper that the founder of an industry, or a new method, or an improvement in methods should be protected, and that combines under State supervision, bound by covenants to manufacture a good article, and sell it at a reasonable price, forbade those serious economic evils which arise from cut-throat and destructive competition. Many of these monopolies worked very well, and the rent paid by the Monopolist provided no small part of the revenue. To condemn them all because many were swindles is scarcely just.

1) C.S.P. 1669—184. 2) B. L.—33. 3) T. P. III—101; C. S. P. 1611—224. 4) B. L.—21.

Unfortunately this particular monopoly eventuated in grave scandals, of which the Parliamentarians were not slow to avail themselves. The purport of this patent was the "prevention of divers deceits commonly used in the making of soap with foreign and unsweet materials, and of excessive rates in the sale of ill soap". The Contractors guaranteed to lay down a huge plant sufficient to provide the Kingdom, to submit to inspection of their wares, to sell at a reasonable price, and to "use no oil in the making of their soap, but olive oil and rape oil".[1] On paper it looked admirable. The art of drafting a prospectus was well known in the Stuart period.

The first hint Strafford got of this business was a letter from Portland, the Treasurer, asking him for his "best assistance", and assuring him that it would neither "lessen the price or hinder the market" in Ireland.[2] Radcliffe, however, the moment he saw the terms of the contract saw the uproar it would create in Ireland. It gave the combine "a restraint of vending tallow here, themselves to have it all, which, if it go forward, will destroy many of our Dutch merchants", whereby "we shall lose at least £ 4000 a year".[3] From a political point of view it spelt disaster. The Irish Parliament was just about to meet. It was very doubtful if Strafford would get a majority for the subsidies. All manner of queer interests were at work to make that Parliament a failure. If the members once heard that they were not to sell tallow, and not to export it, and that a London Monopoly was to control the whole trade, it was doubtful if a dozen members of the House would vote with the Government. "I am an earnest suitor" wrote Strafford to Portland "that I may not be hounded upon this commodity in the face of the Parliament".[4] What was more the export of tallow to every nation in Europe was one of the demands the Parliament intended to make on its assembly. It made it also. The manner in which Strafford handled that Parliament consisted in a pledge that, if they voted the subsidies, the King would accord every reasonable demand. Strafford as we know had to refuse two demands which depended on powerful cliques, the Statute of Limitations and the Titles to Connaught. If he refused this, if he

1) R. P. II—143. 2) L. S. I—209. 3) H. V. C. VIII—44. 4) L. S. I—230.

made a Monopoly of tallow, it would infringe the basis of his Irish policy that no "malevolent tongues should charge us that, having served the King, we now become meanly careless of what in honour and justice we ought to his people".[1] He told Cottingdom that he would never dare to summon a Parliament again.[2] Portland sent him instructions to use his influence to prevent the Parliament making this petition. Strafford refused, forwarded their petition to the King with a strong recommendation in its favour, and warned Portland that it was now a matter solely for the Monarch to decide, "judging it neither safe for your Lordship or me to vouch any other mediate authority".[3] The breach between these two men was now complete, and though the tone of their letters is courteous the hostility is unmistakeable. Strafford knew all this time that Portland drew a secret commission of £ 2.000 a year from the soap combine.[4]

The King was obviously in a quandary. His chief English Minister—he placed great confidence in Portland—was emphatic on the necessity of granting the combine a monopoly of Irish Tallow. What was more the success of the combine meant a considerable accession to the Revenue. His Irish Minister, Strafford, was as yet untried, lived far away, and his letters on Irish Subjects must have been Greek to the King, whose defect was a lack of imagination, though his judgement was usually sound. In his letter on Irish affairs to Strafford he agreed with all his proposed concessions to the Irish Parliament. Tallow, however, was postponed for further judgement.[5] There was, however, one defect in Strafford's case of which the opposition were not slow to avail themselves. When he was made Deputy he had been practically ordered, and that by Portland as Treasurer, to take a share in the form of the Irish Customs.[6] Accordingly he drew a fraction of the yield of the duty on the export of tallow, and was, accordingly, financially interested in blocking a proposal calculated to injure the tallow trade. With characteristic courage the moment he heard this point was being raised by Portland and his colleagues, he wrote direct to King to show its absurdity. By a special clause in the patent of his farm any State contract which restrained trade

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1) L. S. I—350. 2) L. S. I—294. 3) L. S. I—296. 4) L. L. VII—141. 5) L. S. I—333. 6) R. P. VIII—248.

and thus affected the customs was to be taken into account when the annual rent of the farm was due, and the ensuing loss was to be deducted from the rent. Accordingly whether the monopoly was created or not did not matter a penny to Straffor's income.[1] It was doubtless this letter that carried the day. The King came down on Strafford's side, "tallow having slipt out of their fingers" as Laud put it.[2]

Apart from the political aspect of the case, if matters had gone otherwise, Ireland would have suffered severely. With corn and timber restrained this trade—after cattle and wooll—was the great "staple trade" of Ireland, the trade on which the country people depended to procure money, wherewith to pay their rent and taxes.[3] To grant a monopoly of such a trade was flying in the face of all economics. The sole justification for monopolies was the protection of infant industries, of pioneers in industry, but, in this case, the industry was established all over Ireland, and, to take it out of the hands of its possessors, and vest it in a London Company was naked confiscation, robbery, and jobbery. Strafford in this connection uttered a warning which subsequent generations would have done well to remember. "I have ever held it most unsafe to set constraints on the staple commodities of a Kingdom, for where the generality is concerned in their livelihood there the less you meddle the better". The restraint would have cost the revenue £10.000 a year—a quarter of a subsidy—and as the carriage of tallow and hides was the only reason why foreign vessels came to Ireland—Ireland possessed little of its own then—it is undeniable that the Irish wharfs would have been empty. No ship captain will bring goods to a port, where "there is a certainty that he will not get a return freight".[4]

The difficulties in restraining this soap combine were immense. The frequent letters Strafford wrote on the subject, the obvious hostility of Portland, and the two appeals to the King shows that this seemingly obvious necessity was encountering a powerful cabal. It is doubtful if he would have carried his point if it were not for the assistance of Cottingdon and Laud. This "soap business", as it was called, was the great political business

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1) L. S. I—342. 2) L. L. VII—144; L. S. I—393. 3) L. S. I—296.
4) L. S. I—308.

of the day. Not only did the combine's rent balance the public revenue for that year, but it is almost impossible to say who was and who was not mixed up in it. Sir Richard Weston, one of the Barons of the Exchequer—Strafford's intermediary with the King when he was in opposition—was one of the Directors. George Gage, the leading spirit of the Roman Catholic Party at Court, was another.[1] Endymion Porter, who was a person a grata with the King, and a very influential personage at Court, had also his little share.[2] Even after the tallow restriction had been averted Endymion Porter returned to the charge with a signet letter, demanding the sole right to sell soap in Ireland. By this time however Strafford was a powerful personage, and told the authorities in London that he would willingly grant a patent for any particular brand of soap that might be invented, but a monopoly of all soap he could not, and would not risk his influence in Ireland by even suggesting.[3]

Despite the Combine's powerful protectors it was always in trouble. There was a previous combine, jealous of its rise and always treading on its heels, which, in the end, blackmailed it into a share of the contract. Its wares were most unpopular. Whether the agitation was sincere or not, got up by the old combine or the outcome of legitimate grievances, it is hard to say. We do know, however, that a mob of washwomen beset the Lord Mayor complaining that the new soap would not lather and injured their hands. The bewildered Lord Mayor assembled the city fathers and presided over a washing competition, and solemnly reported that "the new soap goes further than the old soap, and neither frets the maids' hands nor spoils the linen". As proof of his assertion he produced a certificate signed by "four countesses, four viscountesses and many common laundresses". Unfortunately the Council had solemnly sworn that all this uproar was the work of "turbulent persons" who "raised up woman and some of mean condition". Accordingly the Lord Mayor was "convented" for having paid any attention to the matter at all, and was solemny censured in public by one who was his own brother.[4] Nor did the matter end there. Owners of private soap factories refused to close down. Prentices employed in them mutinied.

1) R. P. II—189. 2) Dict. National Biography. 3) L. S. II—202.
4) Dom. 1633—5; L. S. I—176.

Importers of raw materials for other methods of making soap demanded compensation. A series of arrests, flights and prosecutions adorn the stately pages of the official records, and, when the Attorney General Noy passed away to a happier world some lewd follows of the baser sort placarded London with notices to the effect that, after a post mortem examination, there was found "in his head a bundle of proclamations, in his maw moth-eaten records, and in his belly a barrel of soap" [1] Altogether Ireland was fortunate in escaping this uproar.

1) R. P. II—213.

Chapter III

THE DRINK QUESTION

"This Country hath plenty of grain, whereof Aqua Vitae is made, a drink of necessity to be used in this cold and moist country. The Statute against it hath not been enforced, as the Deputies and the Judges have been unwilling to put it in force". LORD JUSTICE GARDINER.

The drink question as usual played no small part in public affairs. Unfortunately we have no data whatsoever as to the number of breweries, distilleries, and public houses. The fact however that brewers and publican's licences figured in the Royal "Graces" in 1628 shows that the political influence of the drink trade was important, while the licences on whiskey, wines, and ale brought in no less than £ 3.000 a year in 1641.[1] James' solitary Parliament petitioned for an act to "restrain the inordinate haunting and tippling in inns".[2] Fynes Morrison, writing in the time of Queen Elizabeth—he was however a passionate writer on all things Irish—says that "ale hath vent in every house in the town (Dublin) every day in the week, and every hour in the day, and every minute in the hour".[3] In 1672 Petty estimated the number of public houses in Dublin at 1, 180. The population comprized 4.000 families. The breweries in that city also numbered 91.[4] "Two thirds" of the former he said "could be spared". A Proclamation of the period complains that "ale houses, called tippling houses, do daily increase and, for redress thereof, there is no positive law."[5]

These were supposed to be Inns, but they went the same course as "the grocers' Licenses" of the nineteenth century. It was far more profitable to sell beer than food. The "Assize of Victuals" was more honoured in the breech than the observance. The average cost of a meal at these was dearer than in England, "though they

1) C. S. P. 1641—235. 2) H. C. J. I—56. 3) Bagnall. Ireland under the Tudors. III—449. 4) P. P. S.—13. 18. 5) Council Book of Youghal. Caulfield.—75.

may afford it far cheaper". The profits on beer were 500 %. "Every man useth it, yea the very alderman themselves set up half a dozen alehouses a piece, and the Mayors do reform the abuse too moderately".[1] The scarcity of Inns at this time is worthy of note. Wandesforde was one of the first to erect a hostelry in Kilkenny, and to set the fashion for those innumerable hotels, which were reared by the Irish Aristocracy in the eighteenth century.[2]

It should be remembered that the Stuarts were hostile to the liquor trade. In England they frequently placed on it a drastic embargo, because of the large amount of corn it consumed. In 1630—a year of bad harvests—it was entirely suppressed. In 1613 a restraint was also imposed for the same reason in Ireland.[3]

Be that as it may Strafford entertained grave reservations on the City of Dublin. He described it as a "town the most dangerous for corrupting the disposition of youth that I ever came in."[4] A resolution of the Dublin Corporation described the management of some of these taverns as calculated to procure "the indignation of God against this honorable city".[5] Another resolution, passed in the same year, describes the public houses as such that "the city is pestered with multitudes of vagabonds, bad livers, and idle persons to the great infamy and disgrace of the government". The suggested solution was that only freemen should have licenses, which leads one to suspect that all this indignation was due to the publicans in the municipal ring, objecting to less public personages being allowed to compete with the members of the Guilds in this lucrative trade.[6]

Probably Dublin was no worse than other capitals at that period, and one must make allowance for Strafford's very austere views on this subject. Though his Court in Dublin was remarkable for its lavish hospitality—in fact he prided himself on his expenditure in this direction—he would never allow a toast to be drunk at his dinner parties, because he held that "in Ireland drinking was a disease epidemical". This however, as Ratcliffe put, it did not prevent him "drinking health where he liked his company" and indulging in those boisterous harangues to his guests, which made a friend of his say that it "was a great part of his talent

1) T. C. D. F. 3. 16. 2) Life of Wandesforde. Comber.—97. 3) C. S. P. 1613—378. 4) L. S. I—362. 5) D. C. III—69. 6) D. C. III—47.

to reply and freely to harangue upon any subject with a lightsome and very pleasant air". [1]

It is undeniable however that the growing resort of the Irish gentry to Dublin was rapidly changing it from a merchant city to the city of pleasure which Strafford condemns so ruthlessly. [2] We must remember that the standard of respectability—outward at least—which modern society exacts from birth and possessions, was unknown in those days. The weekly budget of London gossip that appears in the Strafford papers reveals the Court in London in the light of a modern bean-feast, strong language, sudden brawls, and boisterous horseplay. The stately aristocratic cavalier of fiction is fiction and nothing else. Nor was Ireland better. We may be sure that a squirearchy just emerging from rude feudalism were not models of Mayfair deportment. The trials before the Council for riotous and disorderly conduct reveal a state of Society in which the noblest in the land said what they meant, drew their swords on the slightest provocation, and, when tried, pleaded guilty with a defiant air, and demanded an instant acquittal on the plea that they "had drink taken". In nearly every case the plea was accepted and the noble lord was only "censured", with solemn regrets that he "should so much degenerate from the true carriage of gentry". A typical case of high life in that epoch is the prosecution of Christopher Draycott "gentleman". He spat in the face of the aged Sir Francis Roe, Mayor of Drogheda, smote the Lady Mayoress, "ill treated" the porter, and, when committed to prison, flung the gaoler downstairs. His performance was crowned with an outpouring of strong language, the mildest of which was the comparison of the Lord Mayor to a "turd". As this case savoured of Lèse Majesté—a Mayor being the victim—a fine of £ 500 and an apology to the injured persons was exacted. The Court added that they would have made the penalty severer if he had not pleaded "drunkeness", and been "a gentleman of good descent". [3] The Official dossiers during the Tudor and Stuart periods are full of cases like this. The Star Chamber records in England too contain similar entries, save there these offences were visited severely. For instance Sir George Theobald "shook his fist" and "bent his brows" at Mr. Morley, and "laid hands on his

1) L. S. II—433; S. T. IV—20. 2) T. C. D. F. 3. 16. 3) Egmont M. S. S. I—59.

cloak, shaked him, caught him by the throat, called him 'base rascal', 'basedunghill rogue', threatened to kick him, and took him by the throat, and "gave him divers blows".[1] He was very severely fined. If he had been an Irish country gentleman, a "censure" is the worst that would have befallen him. On the other hand it is doubtful if the case would have ever come to trial, as, after an affair such as this in Ireland, one or other of the combatants would have died a sudden death.

The first liquor statutes were imposed in the reign of Henry VII. At statute of that Monarch's orders "honorable persons" to fix the price of drink. In the reign of Edward VI. it was decreed that the license to sell or manufacture drink could only be held by a peer of the realm, or a person of great means. From these two statutes emanated an abuse which resulted in the enormous increase of taverns and breweries. By 1627 when the licensing of ale houses had fallen into the State, for the farm thereof, Lord Baltinglass paid £ 2.000 a year. At 3/-s a license this works out at—if he made no profit—over twelve thousand taverns.[2] The real significance of these two Statutes was that the Seignory Lords and the Mayors of Cities had unlimited power to create licences, and to sell them to whosoever would pay for them. So complicated, however, were the relations between the State and the Municipalities that the State retained also its licensing prerogatives, and created licences in the cities, in addition to those created by the Corporations. By strict law the latter had no such right, but the developements that followed from the two statutes, and the conditions of the country soon vested the granting of licences in private hands. We may be sure that they took full advantage of the privilege. When the Charters of the Cities were remodelled their licensing privilege nominally passed to the State. In practice they were still retained.[3] In the country districts, however, the old state of affairs prevailed and tavern keepers obviously became alarmed at the rapidity with which the local gentry created fresh licenses. Chichester's Parliament complained bitterly of the indiscrimate issue of licences by Landlords "to all persons without respect of quality or places of their residence".[4] Towards the end of the reign of James an agitation arose to deprive them

1) R. P. II—269. 2) C. S. P. 1627—241. 3) C. S. P. 1611—195. 4) L. P. 2 s. III—3.

of this privilege, and in 1620 James promised to nationalize the creation of licences and to reduce the duty to 3/-s 6d a year.[1]

The difficulty, however, was to induce remote districts to carry this out. It is true all licences were called in and State licences issued in 1623, but the complaint comes up again in 1628, and in 1632 the Lords Justices were again trying to compell the Lords and Mayors to issue no more licences of their own. The fact was that the Seignory Lords seem to have had an understanding of some kind with Lord Baltinglass, whereby he left their rights undisturbed in return for a douceur. In the Lismore papers, whenever the Earl of Cork enters up his licensing fees, he always debits himself a few days later with a few pounds for that eminent peer. On the occasion when the "Graces" were granted to satisfy the clamour of the innkeepers against this infringement of their diminishing rights, Lord Baltinglass was deprived of his "farm", but he had to be compensated. Some cynical Statesman gave him a charge on the Church funds, with the result that the poverty stricken Church had to pay for the noble Lords' losses on the liquor trade. This drew an indignant protest from Archbishop Usher.[2]

On Strafford's arrival Parliament petitioned again to have the abuse remedied, and an end was finally put to the scandal by passing an Act of Parliament, definitely abolishing the right to create private licences. The duty was also fixed at 5/-s a licence.[3] Previous to the enactment of this Statute a large number of publicans were summoned before the King's Bench to show their licences. Those who held from the Dublin Corporation, after the date when its right to issue licences had been escheated in the reign of James, were compelled to surrender. The Corporation fought the case in the Courts "for the good of the City", but were worsted.[4]

These taverns must have been a cause of considerable trouble to the authorities. In England one of the reasons why Sunday games were permitted was because of "idle and discontented speeches in ale houses".[5] It was a standing rule—frequently broken and frequently given out—that there should be none in "remote places, bogs, and woods".[6] Unmarried women were forbidden to

1) C. S. P. 1620—282. 2) C. S. P. 1631—633. 3) L. S. I—314. 4) D. C. III—273. 5) R. P. II—194. 6) C. S. P. 1623—412; B. L.—33.

have a licence, and no ale house was permitted to open its doors before 11 o'clock on Sunday morning.[1] The sign of a public house was fixed by Royal Proclamation as a bush, obviously a pun on the French word "bouche". The publicans were bound to "observe the assize of bread, ale and beer", and to keep two beds.[2] In Falkland's time a clergyman details as among the grievances of the Kingdom that "the statutes for bread and drink are not enforced".[3] A proclamation corroborates this view, and ascribes it to "a perverseness of men and a want of execution that hath drawn scorn upon the State".[4] Strafford solved the difficulty of administering these laws by an act compelling publicans to enter into heavy recognizances to carry them out.[5]

The brewing licences also remained in private hands right down to the Strafford regime with deplorable results. All parties unanimously condemned the quality of the beer. Whosoever was granted the monopoly of brewing the beer of a countryside we may be sure, there being no competition or supervision, brewed in manner profitable to himself and himself alone. Monopolies issued by Seignory Lords and Mayors were scarcely likely to be more efficient than those issued by the State. "Scarcely anywhere out of Dublin and some few other towns will you meet with any good beer" writes a visitor of that time.[6] One of Buckingham's Colonels in an essay on recruiting laid it down that the men should get beer "better hopped than it was at Waterford at our being there".[7] The Roman Catholic Bishop of Waterford one time detailed among the horrors of his diocese not only "the insolence of the soldiery, the lack of money, the dearth", but also "the evil quality of the beer". The same ecclesiastic one time canvassed his superiors for a Spanish Bishopric, and expressed great anxiety to know "whether I am to be one of the best reputed men in Madrid, or an I—know—not—who of the chimney corner and cups of ale at Waterford".[8] St. Leger, the President of Munster issued a Proclamation on the subject which is quite lyrical in its eloquence. "Whereas of late years, as a further effect of their unsatiable greed, the innkeepers allow a kind of poor miserable beer, fit for nothing

1) B. L. p. 20. 2) B. L. — 33. 24. 3) C. S. P. 1625 — 1660 p. 277. 4) Council Book of Youghal. Caulfield — 123. 5) Acts of the Irish Parliament. Dublin. 1636. p. 83. 6) T. C. D. F. 3. 16. 7) C. S. P. 1627. — 107. 8) Franciscan. M. S. S. — 20, 79.

but to enforce their guests to call in for another kind of stronger and heady drink, fit to nourish drunkenness and to breed disorder".[1] An English Traveller described it as "a thick muddy stuff that I dare not taste".[2] Probably a contributory cause was the lack of barley and skilled malsters.

Strafford revoked the right of Seignory lords and mayors to grant and sell these licences, an act he says which hit the Earl of Cork very hard.[3] In Bandon and Tallow the sale of these licences every year brought in to that noble Lord a tidy income, and one of the results of Strafford's arrival was that the Mayor of Bandon mutinied and demanded this privilege for himself.[4] In 1641 the licences for ale contributed to the revenue £ 1.500, a sum which in previous years went into the private pockets of "particular persons".[5] Whether the quality of the beer was improved history does not relate. In the Parliament of 1639 a Bill to standardize Irish ale was introduced, but it got lost in the confusion of more lofty political issues.[6] It is satisfactory, however, to note that in 1642 in Munster "the beer was good".[7]

Whiskey and Wine for revenue purposes were joined together. The former went by the dignified title of Aqua Vitae. In Queen Mary's reign an Act had been passed forbidding its manufacture, except by licence from the Lord Deputy. This Act vested distillers' licences in the Crown. For some obscure reason—probably the financial difficulties of that erratic lady—the sale of such licences was granted to Lady Arabella Stuart.[8] She is best known in history as being the candidate for the Crown put forward by some disgruntled Lords, who had such an objection to James that they seriously meditated his assassination. She died in a kind of restraint, much burdened with debt, despite James' gift of the power of selling whiskey licences in Ireland. Before her demise, however, many reversionary leases had been granted, and so it was impossible to vest this source of revenue in the Exchequer. Many enterprising and thirsty persons also manufactured the stimulant without reference to Lady Arabella Stuart. In the State papers an enterprising "projector" guarantees for a fee to inquire into this matter, and to check the sale of drink amongst

1) Council Book of Youghal. Caulfield—123. 2) W.H. —249. 3) L.S.I—192. 4) L. P. 2. S. II—15; IV—83. 5) C. S. P. 1640—235. 6) H. C. J.I—128. 7) "Le Gouz in Ireland" Ed. Crofton Croker, 1834. p 40. 8) C. S. P. 1628.—331.

the "rebellious part of the population" and other "evilly disposed persons".[1] Chichester once restrained all whiskey, because it "enraged the minds of the people".[2] Official circles obviously frowned on whiskey. It is more than probable that it was that alternative to the bad beer, which St. Leger described as "a strong and heady drink fit to nourish drunkenness and to breed disorder." The popular attitude on the subject may be deduced from a petition of the House of Commons for free whiskey—every man his own distiller—but the authorities gave it a cold reception.[3]

One of the reversionary leases of this farm was that held by the Earl of Carlisle for a space of 41 years, granted in 1611, and beginning to run in 1628.[4] An indignant protestor in the State Papers says that from it he made £ 4.000 a year, but the real profit was about £ 500 a year.[5]

Strafford's first Irish Parliament petitioned that this lease be purchased, and that for all time the sale of wine and spirits be made a State monopoly.[6] It was not till 1637 that Strafford had a sufficient balance in hands to redeem the farm.[7] The complications were many and varied. The Earl of Carlisle and his predecessors had sublet or sold their rights in many districts. The Corporations claimed full licensing rights within their walls. It took about two years to clear up this tangle of private, municipal and State interests.[8] There was also an awkward controversy with Lady Carlisle's trustees over the sum of money to be paid, and, despite the fact that she was Strafford's great supporter at Court, and her chief trustee, the Earl of Northumberland, was his political ally, he adhered firmly to his idea of a proper price. The yield upon investments in Ireland was higher than in England; and the question at issue was what sum of money would produce for Lady Carlisle an income equivalent to what she drew from the surrendered farm. Strafford insisted on the Irish rate been taken, as it was an Irish farm, and accordingly the compensation was fixed at £ 6.000 for the 31 unexpired years, instead of the £ 7.000 as requested.[9]

The revenue from this source amounted to £ 1.200 in 1639—40. This does not include, of course, the ordinary customs duties on

1) C. S. P. 1632—170. 2) C. S. P. 1613—378. 3) H. C. J. I—56. 4) C. S. P. 1611—71; 1628—405. 5) C. S. P. 1628—393; C. M. S.—90; L. S. II—89. 6) L. S. I—314. 7) B. L.—37. 8) Egmont MSS. I—101. 9) L. S. II—76, 81, 89, 102, 175, 207, 302.

French Wines of £1.6.8 per butt. From these duties certain State officials were exempt, but Strafford forbade them to exercise this privilege to a greater value than £375 worth of wine a year.[1] Strafford expected that, in the following year, the farm would yield £2.000 a year, and the terms of the contract with Lady Carlisle were that she was "to make it up so much as it fell short of the said £2.000".[2] It, however, never yielded anything. One of the concessions the Parliament forced on the King on Strafford's downfall was the abolition of the Castle Chamber, which had the faculty of dealing promptly with smugglers and shebeeners. It was useless to expect the local magistrates to stop these gentry on their own initiative. At the beginning of 1641 the authorities reported that the licence duties were "valueless" and that they "had no power to stop the contempt of the law".[3] The £6.000 had been paid for an investment that was now "valueless".

Apart from calling into the State all private control of the liquor trade, and a rigid enforcement of the existing licensing laws, the Strafford regime was marked by only one example of temperance legislation. It consisted of an Act of State published by the Deputy forbidding any student of Trinity College to enter an ale house, without a permit from the Provost. For having violated this order and served drink to the youth of the College, one Elizabeth Jones was fined £40, and condemned to stand at the Market Cross with a paper on her head relating her offence. The fate of the bibulous undergraduate is not related.[4]

This was probably the outcome of the Deputies' censorious ruminations on Dublin. Drunkenness he one time described as "a swinish vice which draws down upon us punishment".[5] His own tipple was of a more innocent character. "All the comfort I have", he wrote from Boyle "is a little bonny-clabber. Upon my faith I am of opinion it would like you above measure. Would you had your belly full of it, I would warrant you you should not repent it. It is the bravest freshest drink you ever tasted. Your Spanish Don would, in the heats of Madrid, hang his nose and shake his beard an hour over every sup he took of it, and take it to be the drink of the Gods all the while".[6]

1) L. S. I—317. 2) R. C.—192. 3) C. S. P. 1641—299. 4) T. C. D. I. 4. 1; D. C. III, p. XIII. 5) L. S. I—486. 6) L. S. I—481.

Chapter IV

WOOL AND LINEN

> "All these trades will make the Irish industrious and force civility among them. If this be performed the nursery of all the rebellions of the North will be made the strongest, richest, and one of the best countries in all His Majesty's dominions, which, by your Lordship's furtherance, may yet be brought to pass". ANON.

The woollen trade of Ireland was a great bone of contention between the agricultural and the manufacturing interests. The latter, who seem to have dominated Queen Elizabeth's first Parliament for obvious political reasons, carried a measure forbidding the export of unmanufactured wool, save by special licence. "The object of Elizabeth", wrote an official many years later "was that the product should be worked up at home in Ireland".[1] The defect, however, in statutes of this kind was that the dispensing power, given to the Deputy, always resulted in great pressure being brought to bear upon him by ranchers to allow their wool to be shipped to England, where the price was higher. The financial embarrassments of the Executive also made great officials singularly prone to hearken to men who would contribute solid cash for a licence to export. Economic conditions also, at the close of Queen Elizabeth's reign, embarrassed the merchant community, and there were constant complaints that manufacturers were not buying so much wool as of yore. The tangle of motives and reasons and interests and ways and means, in which the authorities were immeshed, can best be described by Chief Justice Gardiner himself. "There is a stay of the transporting of yarn, because it appeareth proved that much more than has been allowed by former licences is already carried, and now the Lord Deputy suffereth some portion

1) C. S. P. 1632—682.

to be transported by Her Majesty's licence, until this country may provide sufficient to work the same here. Yet by paying 22/-s for every pack to Her Majesty, after which rates no doubt she will yearly be answered much more than £ 1.000 per annum, with sufficient left to maintain all weavers here, and to the content of the people, and now many poor men shall be living by transport thereof, where, under licences formerly used, some few engrossed the whole commodity". [1] This dispatch is rather involved and ungrammatical, thus betokening the mental confusion of a high official, dealing with a complicated and delicate subject. Another example of the mixture of motives in which this subject was embroiled is a resolution of the Dublin Corporation. It ruthlessly condemns the exportation of wool and woollen yarn as illegal and destructive of industry. It closes with a request that nobody in Ireland be allowed to export wool, save "the petitioners and their successors". [2] A few weeks after Gardiner's dispatch a lynx-eyed gentleman demanded a reward because he had discovered that, under cover of these licences, huge exportations were being transacted, and Gardiner's estimate of £ 1.000, should have really been £ 2.900. [3]

The motives that inspired Elizabethean trade policy may have been excellent, but to steer an even course between Irish farmers, Irish shopkeepers, and Irish Officials with English vested interests demanding their rights—not to speak of an Armada in the distance and a Civil War raging furiously—taxed to the utmost capacity the level head and iron visage of the Virgin Queen. State control of trade requires something more than legal phraseology engrossed on parchment. There is every evidence that—after the land question—this question of wool worried the Powers that be more than any other problem of the day. There were the farmers very anxious to export their wool, so as to get a higher price than prevailed in Ireland. There were the manufacturers very anxious to get plenty of it cheap, and therefore opposed to its exportation. There was the underlying idea dominant among certain great personages, that the only way of keeping the peace was by creating industries "to set on work the many idle sort". [4] There was another group

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1) C. S. P. 1591—462. 2) D. C. III—520. 3) C. S. P. 1591—465. 4) C. S. P. 1623—424.

at headquarters anxious to encourage the export so as to draw customs and licence duties from it, as it passed through the ports. There were the manufacturing interests in England, hostile to the Irish Woollen manufacture, and anxious for the cheap Irish raw material of wool. There was another interest in England anxious to keep out the cheap Irish Wool, so that the English manufacturer might be compelled to pay dearer for the English raw material of wool. There was finally a growing opinion both in England and Ireland that wool was not the one desideratum of the body politic. Not a few held that where sheep throve labour disappeared. The Irish House of Lords ordered every owner of a fixed number of sheep to keep a plough in active use.[1] Charles himself had very strong views on sheep-ranching. When the Lord Keeper Finch was sending the judges on their tour of England, he ordered them to turn the whole battery of the State on to land owners, who dismissed their labourers, and set their lands for sheep grazing. "I do require you", he said "that you make a strict inquiry after depopulations and enclosures, a crime of a crying nature that barreth God of his honour, and the King of his subjects. Depopulation is an oppression of a high nature, and commonly done by the great persons that keep juries in awe, and that is the cause there are none presented, and brought in question. Yet His Majesty willeth that you do not cease but inquire on still, for it is his resolution, against all opposition, to make men see that he hath a care of this overspreading evil, and of the means of his people, to have Churches and towns demolished, and his people eaten up like bread, to satisfy the greedy desires of a few, who do waste as profusely as they do gather together unconscionably, and bring unto posterity that woe, which is pronounced to those that lay house to house, and field to field, to dwell alone in the midst of the earth".[2] As a result enormous fines and drastic penalties were imposed on the landed gentry of the English Midlands, and, when the Long Parliament met, Pym preached eloquently and long amidst great applause upon the iniquity of "restraining the subject from disposing of his own".[3]

In these circumstances the complications of the woollen trade of Great Britain and Ireland are more confused and embarrassed than appear at first sight.

1) T.C.D.F.1.4. 2) R.P.II 125. 3) R.P.II—300; L.S I—491; R.P.IV—23.

During the earlier days of James the general policy was to restrain all exportation of wool, save by special licence, as otherwise there would be "great prejudice of the clothing in Ireland".[1] The difficulties, however, with the first Irish Parliament were very great. The great lords and country gentry were very anxious to be allowed to sell their wool abroad. In the older cities too —the woollen manufacture was becoming centralised in the new corporations—there was considerable irritation at anything affecting the import and export trade. Despite Proclamations and legal decisions these older Corporations drew no small revenue from duties of their own levying, and licences of their own creation, all vested in those very close Corporations of freemen, confined to the old and powerful burgess families. The uproar in Chichester's Parliament and the alliance of the Great Lords and Chiefs with the burgesses of the older cities was in no small part due to an agitation to remove the embargo on wool. "Many people here and some of the Parliament have had speech with me" wrote Chichester "about the restraint on wool, and take it very grievously that they may not transport it into England".[2] What added to their sense of a grievance was that, in order to facilitate the trade of Londonderry, James had given the Commissioners of the Derry Plantation power to issue licences for export from that city.[3] After the Recusant deputation had laid their different grievances before James he gave way and agreed that surplus wool, wool that remained over, after the Irish Manufacturers were supplied, could be exported to England.[4]

To balance matters however a scheme was inaugurated which on paper looked ideal. Staple towns were to be created with full powers to build up the industry, or rather to develope it, because woollen friezes, were at that period a thriving industry. The clothing industry however did not exist save in the primitive form of a cottage industry, "made by the women in their own homes".[5] It was not till 1615 that one Talbot moved in the House of Commons that "cloth might be made in this realm", and was seconded by Mr. Dalways who asked that "clothworkers might be sent for out of England".[6]

1) C. S. P. 1614—535. 2) C. S. P. 1614—534. 3) C. S. P. 1609—136. 4) C. S. P. 1615—94. 5) Murray, Commercial Relations. p. 96. 6) H.C. J. May 11. 1615.

The new project was that these Staple towns should nourish the industry, and should alone have the sole right, power, and authority first to purchase wool in Ireland, and then to export it to England. The idea entertained was that, being both manufacturers and exporters, they would hold the balance evenly, and export only the surplus. To prevent then exporting, and doing nothing else, James proposed to deprive them once and for all of the right of levying their private export and licence duties on wool. If these were left in their possession, it was obvious that they would encourage nothing but exportation, in order to capture what Strafford used to call "their exactions". The cities—at least some of them—did not see the point in this at all. The "exactions" were the greatest feather in their Municipal caps. The burgess families, who ruled the Corporations, were as adamant on this point, as a country chief was on his coigne and livery. These families also thought no small beer of themselves, having known in their day what it was to have Deputies coming cap in hand to them to borrow money, and to crave for a few barrels of gunpowder. Grandison, the Lord Deputy, describes those of Galway as "rich and great adventurers by sea. They rarely admit any new English to have freedom or education among them, and never any of the Irish. They keep good hospitality and are kind to strangers."[1] To ask men like these to forego their traditional rights, in order to start the newfangled industry required nerve. Like one man they pleaded the expence of the journey to Dublin, and regretted that they could not send up agents to take out the new patents. James however was adamant. A threat to abolish every licensing and duty creating faculty they had, or might ever obtain, made them reconsider matters, and, at last, they agreed to impose no imposts of their own on the exportation of wool.[2]

On paper the scheme should have flourished. The worst, however, of great reforms devised from above is that they are seldom appreciated by those below, and, when the reforms are devised by men who have never set foot in Ireland, they encounter unforeseen difficulties. A petition from the Munster gentry suddenly revealed an abyss of commercial horrors. The fact that it was signed by the President of Munster and the Bishop of Cork,

1) C. M. S.—295. 2) C. S. P. 1620—291; C. M. S.—321, 325, 326.

and certified to by the whole Munster Council gives it a certain authority. On the other hand one must bear in mind the traditional hostility of the country gentry to the men of commerce, and the commercial hostility of a man who cannot export to the man who can. The petition bluntly states that not an ell of cloth was being made in the staple towns. The Corporations thereof were transacting a huge export trade, and making an enormous profit from it. In days gone by the farmer "was sure, once within a few days, to meet with a merchant or market for his wools". Now the only customer was the staple Corporation, who, having a monopoly, could fix whatever price it pleased. The Archcriminal in Munster was a certain Nicholas Whyte, who was managing director of the Staple town of Youghal. He subsequently became the Lord Deputy's private secretary, and thereby hangs a tale. According to the Munster gentry "he not only forbears to put on foot any one manufacture whatsoever, but ingrosses the wool, and transports the same for his own private gain, and thereby overthrows a great number of painful English people and natives here, employed in making frieze mantles, caddowes and other woollen commodities, as no wools are brought to their markets, and are so extremely dear in the Staple town, and that town remote".[1] The answer of the merchants of Youghal was rather weak. They flatly denied that they were obliged to manufacture, nor did they "undertake manufacture" but "it was allowed that, if wools were not exported, they would be draped".[2] It is to be feared that this view of their functions was scarcely correct. Accordingly so far from the Staple towns setting up a manufacture of woollen drapery, they were destroying the manufacture of woollen friezes. With a gloomy complacency and an air of "I told you so" the Council forwarded the letter to London with the comment that the Staple towns were "full of fraud, producing no good" and a request that the great men in London would "provide a remedy".[3] It is significant that the Dublin Council took very good care not to suggest one themselves. They knew only too well what fiery passions were germinating behind this question. As each one of them knew his neighbour's business better than his own, we may be also sure that they knew for whom Nicholas Whyte was

1) C.M.S.—424. 2) C.S.P.1620—274. 3) C.M.S.—425.

acting. Strafford, who made a diligent enquiry into the whole scandal, was excited by the discovery that part of the Lord Deputy's salary was paid by the licence fees on the export of wool, and arrived at the illuminating discovery, supported by the gossip of Dublin, that the Staple towns were "a Corporation newly set up by the devise of my Lord of Grandison"—who was then Lord Deputy—"to put some crowns in his purse".[1] It is certainly significant that, though the country gentry were thirsting for the blood of Nicholas Whyte, and Youghal—to save themselves—demanded that he be prosecuted for "engrossing", no further steps were taken, and he rose to high honors among the official hierarchy, securing a reversion of his father's pension, and the post of Vice-regal Secretary.

After this exposure of the Staple Towns a compromise was arranged. The new Proclamation relates that "altbough the Staple was first settled upon mature deliberation on the opinion of many of great experience in the estate of Ireland", yet it had to be recast owing to "misconstruction of Our Letters" and "divers grievances". The new order was that any man could buy wool. The monopoly of the Staple was abolished. On the other hand it alone was to have the right to export, subject to the proper dues. Lastly "every man may be admitted into the Company of Staplers without paying any fine". Youghal nothing daunted instantly devised a new code of taxes upon every form of woollen manufacture. One of the peculiarities of this period is that while storms raged furiously round paltry subsidies and petty Customs Duties there was never a whisper—save subdued murmurs—against the enormous "exactions" of the Corporations, which were the real restraint on trade.[2] There seems, however, to have been no enforcement of the clause in the Staple patents compelling them to set up a clothing trade. The compromise had this advantage that it eased for the time being the strained relations between the farmers and the Staplers. The latter no longer had the sole right of purchase, and accordingly the farmers could sell direct to the manufacturers of frieze.

In 1623 the authorities again seem to have been harking back to the idea of starting a clothing trade in Ireland. In that year

1) L. S. I—202. 2) Council Book of Youghal. Caulfield—70, 71, 91; B. L.—23.

the Irish Commissioners made a special report on the subject, and gave as their decision an embargo on the exportation of Irish Wool, and an embargo on the importation of English clothing.[1] This, however, was too drastic and would have made too many enemies. Accordingly a vacillating policy was adopted. Sometimes the embargo was imposed to please the frieze manufacturers and the English sheep owners. Sometimes it was raised to please the English manufacturers and the Irish sheep owners. The fact that a demand for the free export of wool figured among the Graces, shows that the latter influence predominated in Irish political circles.[2] Hadsor, the law—agent of the Committee for Irish affairs, suggested that every exporter should export both manufactured and raw wool, and never export one without the other. This suggestion had the great demerit of annoying all parties, and does not seem to have been even considered.[3]

Strafford, on his arrival, found an embargo proclamation in full force. That it had not been in force for long is revealed by a letter of a high official, Sir Philip Percival, dated 1630. "I hope to sell my Kilkenny wool at a good price. If I cannot do so, I will get it all for England, as I am assured wool is dear there."[4] For the first few months Strafford took no steps, confining all his operations to arresting smugglers, and rebuffing the horde of applicants who, he says, "beset him every day for a licence" to export their wares to the land of high prices. The problem was, certainly, too thorny to be solved with a rush.

The phrase "manufactured wools" is loose. So too is the phrase "clothing". Owing to the misapprehension of these terms —used on several occasions in Strafford's dispatches—a tradition has arisen that his regime was marked by the suppression of "the Irish Woollen trade", another very sweeping phrase. If he had done so it would have constituted one of the articles of his indictment. It must be remembered that his accusers ransacked every corner of his administration to find material, and his trial was rendered ludicrous by the spectacle of Roman Catholics accusing him of favouring "popery", of Irishmen accusing him of treating them as "a conquered nation", and of Englishmen accusing him of making England subordinate to Ireland. If he had laid a finger

1) C. S. P. 1623—124. 2) C. S. P. 1626.—157; 1628.—331; 1631.—661
3) C. S. P. 1632.—682. 4) Egmont. M. S S. I—64.

on the woollen trade Westminster would have rung with it. The tradition dates from a much later period, when his correspondence was published, and his trade terms misunderstood.

There were three forms of manufactured wool. The first and the most popular was the rough frieze and coarse fabrics, which were manufactured into rugs, blankets, coverlets, and stockings. This always had been a large and growing trade.[1] It had the great merit of having no English enemies. It was an Irish manufacture, indigenous to Ireland, and peculiar to Ireland, challenging no English vested interest, and not challenged in return. Petty says that after the rebellion—during which, we may be sure, it received many hard knocks—it and the clothing trade, employed 30.000 workers, and he laments the disappearance of "the thick, spongy, warm coverlets", which he remembers as such a feature of Ireland before the crash.[2] The second part of the trade was the "drapery" —"the old drapery" as it was called—which now corresponds to broad cloth. It was this that James had tried to set up in the Staple towns. Chichester states definitely that it was not in existence in 1614.[3] The two speeches of the Irish members, petitioning for its creation, corroborate this.[4] The tragedy of the Staple towns, already described, shows that it was not existing on a large scale, but was there, and was capable of expansion. Strafford refers to "some small beginnings towards a clothing trade, which was likely to increase in time".[5] Suffice it to say that this was a small trade in embryo, capable of being developed. It ran counter to a certain English interest, but not a dominant or powerful interest. Partly a cottage industry and partly a Staple industry, it existed chiefly for home consumption. That some however was exported to the South of England is proved by the petition of a Stroud projector, who represents his father as making "coarse cloths of a blood colour out of black Irish lists".[6] The third part of the woollen manufacture was on a different basis. This was "the new drapery", the great and coming trade of England. It was a composition material, a mixture of wool with other materials. Its creation was impossible without Fuller's earth. Of this trade there was not a trace in Ireland. When "the old

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1) T. C. D. F. 3. 16. 2) P. P. S.—56. 3) C. S. P. 1614—506. 4) H. C. J. I—52. 5) L. S. II—19. 6) Dom. 1635. p. 50.

drapery" was being instituted by James, no provision had been made for this. The report of the Committee on Ireland, which suggested an embargo on the importation of English cloth, also suggested a free importation of Fuller's Earth, so as to facilitate the creation of a "new drapery" trade. The report is apostled with a Royal and emphatic negative.[1]

Such were the complications of this thorny problem which was a great political issue, capable, if mishandled, either of breaking Strafford's first Parliament, or of securing his recall by indignant English interests. The war that had been declared by Charles on the English "depopulators" and sheep farmers had only embittered the question. The English manufacturer was clamouring for wool. The Irish exporters and farmers were growing more clamorous to reap the golden harvest. "I must bear" he wrote one time "the clamour of such as press me daily for licences (to export) in that kind".[2] Parliament was about to meet with a Grace "that wool may be transported into the Kingdom of England", and behind that Grace were angry landlords who could not get their rents till their tenants sold their wool, and clamorous farmers asking what crime they had committed that the King refused to let them sell their wares, and aldermen growling at the lack of shipping and depreciated harbour dues, and merchants whose wool commissions no longer came in, and all these men had votes and the subsidies were very doubtful, thanks to the Earl of Cork's campaign among the Protestant Party, who were almost certain to vote against the Government.[3] The importance the Parliament attached to this concession may be deduced from the fact, that, apart from its appearance among the "Graces" requested, a special resolution was inserted in the Journals.[4] There were English interests also at stake. The agricultural interest of England was dead against the importation of Irish wool. The traditional policy of the Crown and of the London Statesmen, who sat on the Irish Committee, was that Irish wool should be restrained to feed the staple towns. Chichester, we know, had been very desirous to open the ports to wool, and yet he had to tell the Irish Parliament that "His Majesty will not

1) C. S. P. 1623—424. 2) L. S. I—202. 3) L. S. I—316. 4) H. C. J. I—69.

assent to have wool exported."[1] Furthermore there was always the danger, and none knew it better than Strafford that, if once Portland and Holland knew that he was in difficulties, they would deliberately enhance them by resisting his proposals, and, as can be seen, excellent reasons could be given for whichever side one chose to plead. The very fact that Strafford adopted the extraordinary course of canvassing the King, before he sounded the Council, reveals the difficulties that surrounded him.

His policy was an unrestricted exportation. His letter to the King was an appeal, in which every argument, on which he could lay his hands, was brought forward to induce him to give way to the Parliamentary petitioners. The appeal was cleverly woven into a dissertation on Spanish policy, which the King had asked him to write. It began with a dissertation on making "your subjects here happier without the least prejudice to your subjects there", by a promised development of the linen trade, went on to dwell on a trade union of the two countries by Ireland providing the wool and England the manufacture, each depending on the other, and ended with an appeal to the King's zeal for revenue, by a glowing foreast of the duties that would pour in from this double export and import.[2] That there were difficulties in the London Council was obvious from Coke's reply to his subsequent letter asking for licence to export. "The letter is referred to the Committee to be seriously thought upon, and though I often call upon it, yet it is not resolved on".[3] Coke also hinted that an essay on the iniquity of exporting wool to foreign parts might ease the situation. As the Irish Parliament were not asking for this, Strafford had no difficulty in doing so.[4] Four months had now elapsed and, at the beginning of 1633, he wrote a dispatch obviously directed at the arguments which were being used on the Council. This exportation was vitally necessary if the customs were to be increased. The wool "lying dormant in Ireland" was "lost to the growers unless this were granted" and if "left at large would be a prejudice to the clothing of England". To leave the licences for exportation to the staple towns was "a remedy worse than the disease". The final suggestion that the motive was his profit, as the Deputy drew a commission on every

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1) H. C. J. I—34. 2) L. S. I—93. 3) L. S. I—137. 4) L. S. I—153.

export licence of wool, he swept away by a simple remedy. He offered to surrender this privilege. In the meantime his agent would wait on them with a draft warrant. They could fill it up or not as they pleased, but an answer he must have. The permission to issue export licences was granted, and the King authorised him to take the commission on them, as all his predecessors had done before him.[1]

There is no denying but that, in all this, Strafford had not been quite candid. It is true that his trade terms may mean anything. The word "clothing" can apply to stockings, and broadcloth, and shoddy. He never told them—because he was not called on to tell and he certainly had no incentive to complicate the issue—that, when he was making all these appeals to the cupidity of the English manufacturer, he had no intention, nor was he going to injure in any way the two existing trades in Ireland, save in so far as the price of the raw material in Ireland might rise with its exportation to England. These despatches are argumenta ad homines, delivered on a very delicate political subject, to men who could only be moved by such arguments, and, what is more, they were delivered by a man, who, as long as he was Deputy of Ireland, was a fanatic on Ireland, it being his department. He made a great splash for instance with his veto on the importation of Fuller's Earth.[2] Fuller's Earth however had nothing to do with "the Old Drapery" or the coarse fabrics. He made another splash with his revocation of the staple Charters.[3] These patents, however, had already been forfeited by misconnduct their revocation was necessary, if the export licences were to be a State, Vice-regal, and revenue-producing matter, and their revocation interfered not one whit with their manufacturing energies.

In his first Parliament he introduced a Bill to legalize and standardize the trade "for the working of materials of this Kingdom into manufactures".[4] It seems to have got blocked in the Committee of that overworked Assembly, and the remedy had to be effected by an Act of State. The office of alnager, or supervisor of the woollen manufactures had been leased to the Earl of Lenox

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1) L. S. I—202. 2) C. S. P. 1636—136. 3) L. S. I—202. 4) H. C. J. I—82.

for £ 10 a year.[1] This office was now incorporated in the State. By a Proclamation all the rules, regulations, apprenticeship codes, weights, and measures of the English woollen manufactures were put into force in Ireland.[2] A Bill was ready for the 1640 Parliament to legalize this code, but it disappeared in the disturbances of that period.[3]

How far the woollen trade of Ireland was affected by the Strafford policy of unrestricted exportation, coupled with domestic encouragement, will appear from the export returns for 1640:

Frieze (yards)	279,722
Frieze Stockings doz. pairs	4,287
Rugs	4,778
Caddowes and Blankets	6,589

At the end of the reign of William of Orange the Irish Parliament paid particular attention to the woollen trade. In 1702 Irish woollen stuffs were actually used in the palace at Copenhagen.[4] Yet, during that zenith of the Irish woollen trade, its exports never touched the figures I have given above. In 1698 one of the above items was exceeded, but the rest were far below, and, in every other year of that halcyon period, every item of export of coarse fabrics was at least 100 % below the level in the last year of the Strafford regime. Nor did "the old drapery" fair worse. The exports in the Williamite period were as follows:

	Old Drapery Pieces
1690	11
1691	50
1692	62
1693	23
1694	28
1695	97
1696	34
1698	281

In the last year of Strafford's regime this "small beginnings of a clothing trade" exported 506 pieces.[5] A "piece" consisted of

1) C. S. P. 1636—136. 2) B. L.—36. 3) H. C. J. 1—127. 4) Economic Ireland by G. O.'Brien p. 227. 5) C. S. P. 1669—55; Revolutionary Ireland. Murray.—395—6.

36 yards. These export figures are of all the greater significance when we have Petty's authority for stating that "near thrice as much wool is spent in Ireland as is exported".[1] In these circumstances it is scarcely correct to state that Strafford destroyed the Irish woollen trade in the interests of England. All he did was to suffer the unrestricted export of Irish wool at the request of the Irish Parliament. To them he said "I would prefer however that you worked it up in Ireland".[2]

The real secret of this boom in the Irish woollen trade was the removal of the grandmotherly fosterage of an incompetent Executive, and the concentration of a reformed Executive on its proper functions that of permitting the industrious to be industrious. No longer were honest men hampered by Nicholas White. No longer could disgruntled persons "go on their keeping". The purging of the Irish Law Courts had also much to do with the change. The terrible example Strafford made of Lord Kilmallock for bribery, and the drastic steps he took with Lord Loftus, when that judge essayed to try a case in which he himself was one of the parties, meant that the smallest merchant and factor was sure of some form of justice, if he appealed against the greatest of the sheep ranchers. No doubt the restrictions put on the "exactions" of Corporations also assisted, while the clearing of the channel of pirates—one of whom was actually protected by Lord Derby—enabled the merchant to ply his trade. A Munster Undertaker one time said of the Cork peasant that he was "a very simple and toilsome man, desiring only that he will not be done out with cess, coyne nor liverie".[3] This was really the root of the whole evil. If it was not the Chieftain's coyne and livery, it was the Corporation's exactions, and if it was neither of those two it was Nicholas Whyte "engrossing", and if those three were kept at bay, there were the rapparees, kerns, village ruffians, "idle gentlemen" or whatever name the anarchs of the period went by. Once these were kept under, the huge exportations of wool did not prevent the drapers and the peasants of the period, in half a dozen years, carrying the woollen trade to a pinnacle which it has never since reached.

These exportations were enormous. Adam Loftus, the Vice

1) P. P. S.—110. 2) C. P. B. LXVI—300—302; I—214. 3) Payne, Description of Munster.

Treasurer, says that, between 1632 and 1640, they totalled 192,768 great stones. The yarn, which might almost be called a manufactured article, in five years totalled 6,276 packs. The duty and licence on the former was 1/-s a pack, which works out at a little over £ 6.500 a year, and on the latter 20/-s a pack which came to £ 1.200 a year.[1]

Even this did not satisfy all parties. The recalcitrant Parliament demanded the abolition of the duty in 1641. In fact they demanded the abolition of every tax, once they got the bit between their teeth. How the Government was to be carried on did not seem to dawn upon them. They successfully carried their point.[2] The Executive thus financially embarrassed was unable to cope with "the bankrupt and discontented gentlemen", and, at the end of the year, very few of the Parliament were left with any sheep. The concession accordingly was not of such value as they anticipated.

The Act of 13 Elizabeth had also placed an embargo on the exportation of linen yarn, an Act which was one time defined by one of Strafford's officials as "a double fence for the continuing of those commodities to be manufactured here and to supply the wants of the Kingdom when they were scanty".[3] The very fact that this Act listed linen yarn among the other great commodities of the Kingdom shows that, at that period, linen was an article of manufacture to be considered.

To what extent it existed, however, we have no opportunity of judging. The subject has been somewhat complicated by a misuse of trade terms, and the existence of two theories as regards the Irish linen trade. A tradition has found its way into popular histories that, before Strafford's arrival, the working of flax and hemp into clothing material never existed. A rival theory has recently been put forward that he only developed what formerly existed. The cause of this latter theory is the undoubted existence of yarn before his arrival. The cause of the previous theory is the appearance of linen cloth after he had begun operations. The matter has been further complicated by a political theory that he destroyed the woollen trade of the South to create a linen trade in the North. As has been shown he interfered with not a solitary

1) C. S P. 1641.—249. 2) C. S. P. 1641.—317. 3) Egmont MSS. I—70.

woollen manufacturer. The linen trade spread all over Ireland, and was by no means indigenous to the North. At his trial the existence of the manufacture of yarn on a large scale in Connaught was proved. We know that he enforced the growing of hemp in Munster. We know also that, before he arrived, there was a large trade in the manufacture and export of yarn around Youghal.[1] In the eighteenth century nearly every Cork Borough manufactured linen. The modern monopoly of the linen trade, possessed by the North Eastern Counties of Ulster dates from the invention of steam, when the proximity of those counties to the Scottish and North of England coalfields concentrated Irish industry in Ulster, just as the same power turned Southern Manufacturing England into an agricultural area, and created the great industrial interests of the North. These facts have to be clearly comprehended before we can grapple with the salient points of Irish economic history. The introduction of vague political theories is only apt to confuse the inquirer.

There is no trace in all the documents at our disposal, whether they be State dossiers or private papers, of a linen cloth trade in Ireland between the Elizabethean wars and the Strafford era. The last trace in the Elizabethean era lies in an essay written by Miler Magrath in which he urges the Queen to send a garrison into Connaught, and gives as one of his reasons the benefit that would accrue to "the poor" who could thus sell their "linen cloth and yarn" to the soldiers, instead of to the Galway Merchants, who, he says, never gave the people fair prices.[2] In the Council Book of the Waterford Corporation lies an entry dated 1599, which reveals a desparate attempt to keep the trade, such as it was, alive. "No nurse, manservant, or maidservant shall wear, in their attire, any woollen or linen cloth, save such as shall be wrought within this City or realm". A list of the Waterford trades entered a few years later shows that there were no clothiers in the City.[3] From this date down to Strafford's arrival there is not a whisper of linen cloth. Whether that industry survived the nine year's war is open to doubt. The State Papers contain no entry. The existing records of the Munster Corporations contain no entry. The private accounts of the Earl

1) L. P. 2 s. 1—96. 2) C. S. P. 1592—563. 3) Ormonde and Fingall M. S. S.—336.

of Cork—and he had a hand in nearly every venture in Youghal, Tallaght, Dungarvan, and Bandon—contain no reference to a clothing trade. His money lending business shows no loan to a linen draper. The only mention of the trade at all is a suggestion from a London Merchant that weavers should be imported to set on foot such a trade.[1] The publications of the London Corporation —and that body operated in an area where flax was plentiful— show no manufacture of linen cloth. At Strafford's trial, when it was to the advantage of the prosecution to prove the previous existence of looms, not a witness was produced to make such a statement, nor did counsel allege that such was the case. Strafford's references to the subject certainly do not bear out the theory that linen cloth was manufactured in Ireland before he began operations.[2] When the English Agent in Spain sent him a list of commodities Spain was willing to purchase, among which was linen cloth, linen cloth was the only one that did not figure in the cargo that Strafford despatched.[3] Even after six years of Strafford's operations linen cloth did not appear in the list of Irish exports, which proves that even then the trade had reached no dimensions.[4] Its previous value, if it existed at all, may be judged from the fact that the one available reference to linen cloth is a statement that Dublin Merchants imported it from England.[5] In these circumstances it is unsafe to assume that there was in Ireland, during the reign of James and the earlier days of Charles, a manufacture of linen cloth. The silence is all the more significant when we find a din and a babel of controversy in London, Dublin, and the Corporations raging round the rights and wrongs of wool, hides, and tallow.

Yarn however was a growing trade. In Derry in 1606 an English Lady says that "the flax was 6d the pound and the thread 11d the pound. It is very good and the price not dear".[6] The London Corporation were inveigled into Derry on the grounds that the local yarn "is finer here than in all the rest of the Kingdom".[7] Nor was the trade a monopoly of Ulster either, as is frequently assumed. Connaught manufactured yarn in great quantities.[8] A London merchant refers to its prevalence in Youghal as an incen-

1) L. P. 2 s. I—96. 2) L, S. I—93, 316, 473; II—19. 3) L. S. I—104, 105, 110. 4) C. S. P. 1669—55. 5) C. M. S.—175. 6) T. P.—101. 7) C. S. P. 1609—208. 8) R. P. VIII—419.

tive to starting a clothing trade.'[1] In Clonakilty also the manufacture flourished.[2] Strafford noted as an Irish phenomenon that "the women are all naturally bred to spinning".[3] At the end of the Strafford regime its exportation had reached 2,921 packs.[4]

The Jacobite policy of restraining the exportation of raw materials in the hopes of creating manufactures fell heavily upon this latter trade. The London Corporation, who had full control over their ports of Derry and Coleraine, had to sign a covenant which allowed the native population only to export yarn by permission of the Corporation officials.[5] The export duty was first 13/-s 4d and was then raised to 20/-s.[6] The invitable compromise, however, was adopted, and exportation was permitted subject to licence. The farmer of these licence duties was one John West who was allowed to export 1,200 packs a year, for which he paid the revenue £ 1.500 a year, exacting a licence duty of 25/-s.[7] To increase the provision of raw material a convenant was inserted in the clauses of the Longford and Ely O'Carroll Plantations binding landowners to sow a certain quantity of hemp every year, and a similar provision appears in the leases of the Armagh impropriations.[8]

The absence of all reference to an existing clothing trade makes one doubtful if these regulations had any other effect than to embarrass the yarn industry. Hadsor from London made a similar proposal in reference to this as he had done in the case of wool, that an exporter of yarn should be forbidden to sail unless he also exported cloth.[9] The fact that he made the suggestion looks as if there was some cloth somewhere in Ireland, but it is too vague a theory to rely on for a definite assertion.

Strafford's activities in this direction have been greatly exaggerated. His development of the trade was a private venture, a mere *παρεργον* to his political administration. In all his voluminous correspondence there are only four casual references to this undertaking. After some experiments with seeds he purchased in one year £ 1.000 worth of a special Dutch seed, which he resold to the

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1) L. P. 2 s. 1—96. 2) L. P. 1 s. IV—99. 3) L. S. II—19. 4) C. S. P. 1669—55. 5) C. S. P. 1609—136. 6) H. V. C. VIII—192. 7) C. M. S.—98, 263. 8) C. M. S.—370; C. S. P 1612—296. 9) C. S. P. 1632—682.

flax growers.[1] From Flanders and France he imported some skilled workmen whom he planted with half a dozen looms. Every year these men converted £ 400 worth of yarn into cloth worth £ 1.700. It was his boast that he was able to sell this cloth 20 % cheaper than the Dutch or the French.[2] This modest, but none the less successful little industry was the germ out of which the Irish linen trade subsequently grew.

On petition from the Irish Parliament West's farm of the licences for export of yarn was redeemed. Mr. West made considerable trouble over his redemption, taking it as an insult that he should be bought out. He petitioned the King in a memorial denouncing Strafford in all moods and tenses, but the King assuaged the Deputy's wrath with the charitable reflexion that "the man was an old servant of King James, and entertained him often with a liberty of speech which hath been born with".[3] He was at last induced to compound for £ 2.000.[4] The cost of the licence was added to the customs duty.[5] The revenue accordingly did not suffer. On the other hand the yarn industry was no longer confined to an export of 1.200 packs. As we know the export reached nearly double this figure. The Irish manufacturer of linen cloth was thus enabled to buy his yarn cheaper than the foreigner, who had to pay both licence and customs duty. Severe economists may frown at this form of inverted protection, but, if Strafford's half dozen looms are any test, they seem to have done well out of this crude application of "the deadly Science". The increase in the exportation of yarn shows that the yarn manufacturers also had cause to rejoice. Whether such financial methods would achieve a millenium to-day is too complicated a problem to solve in these pages.

There are few data as to the growth of the trade available. An Admiralty despatch shows that Ireland was the only place in the three Kingdoms from which the Authorities could and did draw their sails.[6] We do know also that, when the rebellion had run its course, there were shattered traces of the industry in existence, which Ormonde assisted to reorganize. The very fact that there were any left at all shows that, in the era preceding the rebellion.

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1) L. S. I—473. 2) L. S. II—19; R. P. VIII—425. 3) L. S. I—433.
4) C S. P. 1636—142. 5) L. S. I—316; C. S. P. 1641.—250. 6) Dom. 1635—239.

the industry must have been of some extent. It must have extended to the South because the Earl of Cork lent "Mr. Page, the clothier at Kilmiacke, £ 100 sterling to set forward the work of clothing".[1] The amount of yarn spun in Munster would certainly assist its growth. A Proclamation Strafford issued in 1635 refers to the "Irish linen" as being "too narrow" and decrees that for the future it must be "three quarters of a yard wide" unless in the case of "chequers for towells or naps".[2] This would lead one to assume that, at any rate, there were other looms at work besides his own half dozen. It should be noted that this identical regulation was re-affirmed by an Act of the Irish Parliament in 1662, when it was re-organizing the trade.[3] Both the cloth and linen industry must have been facilitated by an order that estates, re-granted under the Defective Titles Commission, were to be leased on the condition that a proportion of flax or hemp was yearly sown.[4] That this was no idle declaration of policy is shown by the insertion of this clause in a patent of Munster lands issued by that Commission.[5]

It is curious to note that this harmless detail of trade policy constituted an article in Strafford's indictment, and reveals, at the same time, that, even he, had to give way to popular clamour and prejudice, and what was more gave way without a murmur, when he found local customs too strong for his policy. The Irish Executive in 1680 were also much embarrassed by local oppositions, Ormonde referring gloomily to "the highest discontent of the people of all sorts" to the measures for the developing the trade according to rule.[6] As can easily be imagined the cottage industry of yarn spinning was not all that it should be. Lack of supervision and organization in these industries frequently leads to defective workmanship in the case of individuals. Cases had cropped up of broken yarn, scraps, and tangles, "the unwinding of which" as Strafford put it "was as much trouble as the thing was worth". After due consideration with his Council, he issued a Proclamation forbidding the exposure of such to sale, ordering its confiscation if exposed, and commanding that, for the future, "linen yarn shall be ruled on one end and no more". To modern ideas this may seem a drastic step, but, at that period, the State controlled and regu-

1) L.P.I.S.IV—128. 2) B.L.—35. 3) O'Brien. Economic History. p. 188. 4) C S.P.1636—136. 5) Egmont MSS. I—99. 6) O'Brien Economic History. p. 188.

lated trade quite as drastically as the Board of Trade does to-day. The prosecution, when they tried to prove that this was an excess of the Deputy's power, were non-plussed by Strafford's courteous reply, that the Proclamation was signed by Lord Loftus, who was one of his accusers. To lay down that the issue of this Proclamation was "Treason" opened up a vista of political complications, which caused this article to be dropped out of the Bill of Attainder.

The chief witness was an official whom Straffor had dismissed and imprisoned for "breach of trust" in his harsh administration of this penal clause. It was owing to the odium into which this man brought the regulation that Strafford had to call in the Proclamation.[1] His statement was that he handed over "a great parcel" of the confiscated yarn to Strafford's stewart, on the strength of which the charge was made that the Proclamation was only issued to get yarn for nothing for the famous half dozen looms. Strafford bluntly denied that he ever used the confiscated yarn. The next witness was Sir John Clotworthy, who said he interfered with the official and received a scolding letter, which is probably true. Interference with Crown officials was dangerous work in those days. If he had left his story at that matters would have been fairly respectable, but he went on to embellish it with an account of how he had heard from someone that, as a result of the enforcement of the Proclamation, "multitudes starved in Ulster". As the total yarn seized was only "a cartload", and that at Athlone, Strafford had little difficulty in commenting sarcastically on the remarkable destruction achieved by the "cartload". Ranelagh, who was a hostile witness, related how, when the official seized the "cartload" in Athlone, suspecting that it would cause trouble, he interviewed Strafford, who called in the Proclamation.[2]

This article however revealed the members of the House of Commons—at least some of them—in a very unfavourable light, at which those who have ever studied the ways of political parties on the warpath will not be surprized. In addition to these witnesses a resolution was read which emanated from "the Knights, citizens, and burgesses chosen for the Provinces of Ulster and Connaught", at title which we know was improper, as not a few of

1) R. P. VIII—652. 2) R. P. VIII 416—425.

the Members from each of these Provinces were sturdy Straffordians. As evidence too at a trial a resolution of Members of Parliament not an oath and not liable to cross-examination—in fact absent from the Court—is truly a curious form of testimony. The resolution declared that, as a result of the enforcement of the Proclamation, "poor children were forced to go into the fields where they lay down and died by thousands". In the Court only "a cartload" was proved to have been seized.

On paper this resolution has an awe-inspiring effect. It is not till we examine into the history of those seven years that we realize the impossibility of one man suffering. Strafford was watched all during his regime by a host of enemies. The very phrases he used at table were caught up and carried across to the King, who never seems to have given him his confidence till the eve of the Battle of Newburn. Once the Galway Plantation Commission placed under temporary restraint a Galway Squire for making a false return of his estate. Within a fortnight the Roman Catholic Party at Court had been assured, via Windebanke and an Irish friar in France, that "a persecution had begun in Ireland and all the nobility and gentry of Connaught are committed to prison".[1] In this case the thing is even more ludicrous when we remember that this "starving of thousands" was alleged to occur in the Clanricarde area, at the moment when Clanricarde had round him a powerful Court cabal, who, at the mere whisper of the slightest error in Connaught, would have raised the matter at the Council table, and both Kingdoms would have rung with it for months. Add to this that Parliament had been sitting for eighteen months—and both Strafford's Irish Parliaments were very emphatic on their grievances—and one wonders why it was this matter was never raised till three years after it occurred, till 18 months after Parliament had met, three months after Strafford was arrested, and three weeks before the 13th Article was tried. "I think" said Strafford "I merited a better opinion in Ireland".[2]

1) L. L. VII—285. 2) R. P. VIII—422.

Chapter V

THE REVENUE

> "His Majesty's revenue, composition, and casualties are levied in Munster and Connaught by the provost marshalls and clerks of the fynes appointed in those provinces with much oppression by cess of horse and foot attending them in that levie, besides their excessive fees, and their accompts commonly in the Exchequer are so ymperfect as the subjects many tymes are called on for the payment of that which he hath thus formerly satisfied. PETITION TO KING JAMES I.

The collection of the King's Revenue was a matter of State, requiring drastic reorganization. In Ireland the personal equation looms very large. In all countries public morality regards the evasion of taxes as among the less heinous crimes in the decalogue. When we remember the immense power of "Great Ones" in their areas, the ensuing reluctance of a humble tax gatherer to press them with writs and warrants, the family and political ramifications between the rural lords and the great State officials, and add to this obstacle in the path of systematic tax collecting, the farming of the revenue out to favoured persons, and the control of the Customs and Inland Revenue exercised by the Corporations, we get a chaotic, tangled, absurd, and unjust administration of finance, for which all classes were partly responsible, and for which no one was completely to blame. The result was that the Revenue did not balance the expenditure, and there was a debt of £ 80.000 staring the Government in the face. This financial embarrassment disorganized the whole public service. Officials high and low were paid by paper assignments "to get in their money by as they can".[1]

In reorganizing this part of the public service Strafford utilized his cousin, Sir George Radcliffe. His letters reveal a cautious, meticulous, and sober administrator, endowed with a will

1) L. S. I—190.

of iron, able to withstand that cajolery, which has always played such a great part in Irish politics. Clarendon speaks very censoriously of his hauteur, but he and the great historian were at daggers drawn when the King was Oxford. The fact that he was elected by the freeholders of County Sligo as their member, and that he was the acknowledged Leader of the Irish House of Commons, in their frequent broils with the House of Lords, shows that he must have had a certain gift of influencing men, and there is no evidence that he was personally unpopular. He was a persona grata with certain of the Roman Catholic Bishops, and there is evidence too that he was the link between Strafford and that powerful coterie. Tact and firmness and "affability" were his outstanding characteristics, and to his advice on several occasions Strafford yielded. His impeachment was a very half hearted affair, directed at keeping him out of the witness box during the proceedings against the Deputy. History has suffered by his suppression on that famous occasion. It was he who managed all the details of this reorganisation. He was a mine of information on all those grants, patents, writs, concessions, and warrants, whose meaning is the clue to the history of this period. The powerful and domineering personality of Strafford dominates the stage at this epoch, but how much is due to him, and how much to the unobtrusive Radcliffe it is hard to say. "Mr. Radcliffe is feared by everybody" says an onlooker.[1] "My Lord of Strafford is the tree and Radcliffe the bough, and if the tree falls so will the bough" is the comment of an enemy during the trial.[2] It was the combination of this curious pair that succeeded in evolving order out of the Hibernian chaos. Radcliffe's qualities were not of the obtrusive order. They shone rather in the office than on the stage. It is significant that Strafford made him his Executor, and it was he who gathered together the mutilated remnants of the almost bankrupt Wentworth estate after the Deputy's downfall. His correspondence shows that he managed the financial affairs of others as well. Nevertheless he left Ireland with as moderate a fortune as he brought with him. This, in itself, is sufficient tribute at a time, when officials of State rewarded themselves out of the finances of State by methods some recognized as legitimate, others devious

1) C S. P. 1633.—14. 2) Kenyon MSS.—61.

and dishonest. Nor was he only a bureaucrat. He has put it on record that he was in the habit of rebuking and crossing his patron, who was a man very "sharp set on his own will".[1] What is even more remarkable is that there was running through the character of this cautious, economical, and suave administrator a vein of piety somewhat different from the Anglican emotion of the convinced Royalist, and yet remote from the Calvinism of the Puritan. His last letter to Strafford lies in the Knowler correspondence. "God's arm is not shortened, nor his bowels of compassion straitened, but he knows what is good for us, and out of his mercy makes all things work for the best to them that love him. Happy are we if our light affliction, which is but for a moment, work for us a far more exceeding and eternal weight of glory. I am most content that you have, and still do, diligently examined your conscience and whole life past, and by your true repentance and lively faith made your peace with God in the blood of Christ Jesus. I shall account it no loss if I now shortly attend your blessed soul into the state of rest and happiness, but, whatsoever small time God shall vouchsafe me in this world, my purpose is to employ it chiefly in the service of your children".[2] Nor was this but a pose. This aspect of the character of these two men was never divulged till many years after they were dead. It was unknown to their contemporaries, who saw nothing but writs, processes, calculations, economies, scanty doles and blunt rude refusals of those "suits", in which the high politics of the day delighted. "I procure nothing", Strafford one time complained after refusing a most grotesque demand "but the displeasure of Great Ones, who report me with the help of my good friends and the gracious Lords at Court, to be the most severe and pressing Minister that lives, as if I were the most outrageous tyrant".[3]

In the Wood correspondence there are two examples of the Radcliffe touch, penned by himself, to an old political ally and a great political personage. "This belongs to the King and must pay custom, and it stands not with my duty to my Master, either as Councillor of State or Councillor of Law to prejudice his right. . . . For licence to have the sole exportation of butter that may not be granted, but to the great prejudice of trade here. It was

1) L. S. II—235; R. C.—209. 2) L. S. II—417. 3) L. S. II—332.

formerly denied to a gentleman, the King's servant, who was specially recommended, and certificate thereof made over, and our reasons well approved".[1] In assessing the causes of the debacle one must not ignore these unusual rebuffs. In politics persons, interests, and classes are hostile to a party that will not reward "their particular ends at the expense of the commonweal", ant they instinctively rally round a rising opposition, aiming at the overthrow of the status quo, and dealing in the political change of cheap promises. When however these promises have to be made good Nemesis appears. Nemesis in this case was the Rebellion of 1641.

The Customs was the great and growing branch of the Revenue. In 1629 Thomas Cave, the Comptroller of the Dublin Customs, had urged Endymion Porter, the great projector, to get his seven year lease of the Irish Customs extended to 20 years. "If there is peace the Irish Customs will rise rapidly in value."[2] Porter however who was "an idle projector" threw up his lease, as this "rapid rise" was contingent on hard work. Part of the cause of the stagnation in the Customs was piracy and smuggling. The pirate at that time was often a gentleman of good descent, approximating rather to the privateer. The smuggler was any commercial man. He was regarded as tolerantly as the modern merchant who is not accurate in his Income Tax Return. Both worked together, and the ill paid Customs officials were not likely to harry men who paid them cash, where the State only paid them paper. Cogan, Strafford's controller, gives the following account of the mentality of the customers. "I find no greater enemies to our business than the King's officers, who are continually buzzing into the merchants' ears of the extreme rate of the customs, pressing them to clamour for not allowing £ 5 per cent, as formerly they say they had." The last phrase gives the clue to one of the leakages of revenue. "By paying the officers poor stipends, so that they cannot maintain themselves and are driven to bribe, we lose £ 1.000 for every £ 100 we save."[3] A few years before this St. Leger had captured a ship laden with prohibited goods. It transpired that these goods had been shipped by special arrangement with the Limerick Customer.[4]

1) H. V. C. VIII—44, 47. 2) C. S. P. 1629—431. 3) H. V. C. VIII—32.
4) C. S. P. 1625—6, 14.

These evasions were usually the work of the pirates. They were personae gratae in very curious quarters. A Kerry gentleman was fined for harbouring them.[1] The Galway merchants had extensive dealings with another.[2] A deposition gives a list of the names of eminent persons in Cork, who frequently used them to evade the Customs.[3] The Governor of the Isle of Man harboured them openly and defied Strafford's pirate catcher, Sir Richard Plumleigh. "I have a Lord in England to whom alone I give account" was his tart reply to that worthy's pertinent queries.[4] Nor did the disease prevail in Ireland alone. In Wales "the people had no scruple at all of trafficking with the pirates". Plumleigh caught one of them openly trading in Milford.[5] The only class that seemed to object to their activities were those merchants whose ships were looted, and the fisherfolk of West Cork, who nearly tore Plumleigh limb from limb when, yielding to a pirate's cajoleries, he was on the verge of letting him go.[6]

The activities of this class were widespread. They acted as importers and exporters of prohibited goods. The plundered, burnt, and tortured both on sea and on land, nay, even at the very mouth of the Liffey. "Such a crew of disorderly people did I never see together" wrote Plumleigh. "The very bread they eat was stolen."[7] Two things encouraged this pest, "these hounds of Hell" as Strafford called them. The Admiralty seldom sent the guardships over till the middle of Summer, thus giving the pirates a clear two months in which to operate. The majority of them bore letters of Marque from Spain, then at war with Holland. Irish trade was carried in Dutch bottoms. To touch one of these rovers was to commit a casus belli, and he, in return, was at liberty to take any Merchant's goods found in the only vessels that ever visited Dublin. In these circumstances one comprehends why Ireland was not an Eldorado, and why all men were not rejoicing in the fruits of good government.

A volume could be written on Strafford's naval administration. The Admiralty was bullied, cajoled, and assailed with a sleet of vituperation, which must have made them wonder what offence they had committed. The ships not only arrived in the Spring, but were placed under the control of the Deputy himself. The

1) C. S. P. 1632—677. 2) C. S. P. 1634—86. 3) C. S. P. 1625—1660—104. 4) L. S. I—127. 5) Dom. 1633—84, 127. 6) C. S. P. 1633—21. 7) L. S. I—122.

flaw soon became apparent. The men were so badly rationed that the crews were either decimated by scurvy, or the ships were lying in harbour waiting for consignments. A quarter-master was discovered selling the rations, and substituting bad meat. He was placed in the pillory with his nostrils slit, after which there were no more complaints. The crews were replaced with—mirabile dictu—infantry. The naval base was made Kinsale. All repairs were executed there instead of in England. The Provincial posts of Vice-Admiral were called in, endowered with new powers, and Corporations and Seignory Lords forbidden to interfere on behalf of smugglers and pirates. Lastly Charles was persuaded to adopt a new naval policy which has effected us ever since. The Irish Sea was declared a mare clausum. Neither men of war nor privateers were allowed to exercise in its waters the right of search or of capture. In this one detects one of the reasons why Strafford was such a pronounced pro-Spaniard. He had the support of the Senor Nicholaldie in this, who, in turn, was anxious to strike a blow at the rising naval power of France. Spain agreed, and France was not yet strong enough to protest. From this declaration Imperial policy has never receded. The results were soon apparent. In 1637 Strafford was able to write. "We have not all this year heard so much as the rumour of Turk, St. Sebastian, or Dunkirker; the merchant inward and outward secured in his trade, much to their encouragement, the increase of custom, and the enriching and contenting of the whole Kingdom". Plumleigh, who a short time before was rumoured to have gone mad with the strain, was rewarded with a Knighthood, and a berth ashore at Kinsale, with "a pretty house and some fifty acres of land".[1]

Thus was the belligerent smuggler suppressed. The ship captain who "coloured" goods was then assailed. An active fleet and an independent Vice-Admiral in each Province made his trade somewhat difficult. A man of war captured one laden with 1.000 hides and 36 barrells of tallow. In his case the merchants who dealt with him were also discovered and mulcted.[2] Another was of a more truculent character. "This rude fellow kept two of our waiters at Limerick four days aboard, allowing them very little

1) C. S. P. 1634.—51; 82, 83, 84, 86, 87, 89, 94, 111, 115, 134, 134, 156, 157; L. S. I—107, 135, 152, 154, 197, 208, 396, 397, 404; II—9, 19, 23, 93.
2) L. S. I—275.

meat, or rather none, threatened to carry them along to St. Christophers, put them ashore 40 miles below in the river, with his blessing of "the Devil take all you customers". "He was pursued, fined, and imprisoned.[1] The velvet glove however softened the iron hand considerably all this time. Many pirates, privateers, and smugglers were simply cautioned, and released on a promise to trade in future in other realms. They were only exercising a traditional trade, and Strafford was quite satisfied, if they only ceased. So many of them were noble Spaniards or Irish gentlemen in the Spanish service, that extreme measures might only produce complications.[2]

The internal economy of the port towns facilitated smuggling. Despite all that James had ever done the collection of the Customs was really in municipal hands. The leaseholders of the Customs always found it more pleasant and profitable to work with the Aldermen than against them, to appoint their friends as waiters and gaugers. When the King's Customer in Dublin and the local Corporation formed an alliance to keep from the Crown the petty Custom of 3d, we may be sure that more curious transactions occurred elsewhere. One of the first of Strafford's acts was a proclamation depriving the freemen of all the cities of their exemption from payment of the 12d in the pound, tonnage and poundage.[3] This not only stopped a serious leakage in the revenue, but swept out of existence a scandalous commercial privilege. What must have been the feelings of non-free merchants when they saw their rivals, the free, purchasing and selling cheaper than they could. The second part of this proclamation ordered all imports and exports to pass through the Customs. The next step was the recovery of those Customs in the Ulster towns which had been "passed away" by James. When the Derry Plantation was escheated, Derry and Coleraine fell into the Exchequer. This was estimated to increase the Revenue by £ 1.000 a year.[4] Before this, in these towns, the subsidy of Tonnage and Poundage due to the King, used to be collected for him by the Corporation of London. Strafford discovered that the London officials had been in the habit of valueing for tonnage and poundage at a far lower rate than prevailed in the Southern ports. This he rectified, putting the

1) L. S. II—205. 2) L. S. I—396. 3) B. L.—38. 4) L. S. I—200.

Derry Merchants on the same footing as others, and stopping another hole in the revenue. At his trial this "tyranny" came in for indignant comments.[1] Out of the balance in hand Strangford was redeemed from the Earl of Kildare, and Carrickfergus from the young Duke of Buckingham.[2] All the Customs were now at the disposal of the State, and some degree of uniformity could be practiced.

The secret evasions of the Customs were next assailed. We get a glimpse of these performances in a letter from the Officer in charge of Haulbowline. "Our fort is of no purpose. The merchants of Cork now take their goods overland to Crosshaven, and so defraud the King of his Customs."[3] The usual method however was that of "colouring goods". It consisted in labelling bales of prohibited or taxable commodities with the titles of non-prohibited and non-taxable, of false declarations in the Bills of Lading. "Colouring" was a well established practice. The oaths of the freemen of the most ancient cities contain a clause repudiating this practice. The Journals of every Corporation contain proceedings against the "colourers" or regulations devised to restrain the practice. If the Corporations, when they held the Customs, were so hard put to it to restrain these practices in their hegemonies, what must have been the laxity, when these Customs passed to the far distant Power, when the local authorities regarded the Customs as something filched from them, something it was a duty to evade, when the dues soared to a high level, and the profits to the "colourer" were trebled.

Cogan who was the manager of the Customs attributed the undoubted sympathy of the Customers with the merchants to the "scanty pay" of the former.[4] As we know the pay sheet of the Executive was always in arrears. After three years Strafford was able to report that "every man had his money at a day, not scrambling one before another, without so much as giving of thanks or desiring a courtesy therein".[5] The next step was the prompt prosecution of "colourers". Before this it had been the practice for a detected "colourer" to sue for a Royal pardon through some great man. The State papers are full of these petitions. In 1635 close on 2.000 sheepskins belonging to three merchants of

1) R. P. VIII—244. 2) L. S. II—92, 206. 3) C. S. P. 1625—71. 4) H. V. C. VIII—32. 5) L. S. II—17.

Ross were "seized for not having paid Customs". The Customs of that town rose from £ 233 in 1632 to £ 952 in 1640, in which last year there was a falling off from 1638.[1] In 1636 a new customer was appointed to Wexford. In 1637 "the Mary of Wexford" was detected with a large cargo of illicit wares. In the same year the "Mary of Brata" was discovered to have on board "two barrels of beef, 1.100 staves and one small bag of woolen yarn, the goods of a certain William Murrough, gent, not having paid Customs". Even in 1641, when everything was in chaos, the Customs revenue from that port was fifty per cent above that of 1632.[2] One gets a glimpse of the constant activities of Radcliffe in the following letter. "I discover daily abuses in the ports, and am just going to Waterford to find out a patch of knavery there. I am much mistaken if this journey will not be worth £ 500 a year to the farmers."[3]

The headquarters, however, of the smuggling trade were the Ulster ports. Their proximity to Scotland, the fact that their customs were the last to be taken over by the State, the kinship between the Northern traders and these of the South of Scotland, and the commercial activities of the Scotch as a race made all the Northern ports the most difficult to supervise. They specialised in shipping wool to the Dutch factories. "Shame it is", wrote Strafford, "that a poor and beggarly trade of a few pedlars in Scotland should be enriched forth of the decay of the greatest and staple trade in England".[4] Not till about 1637 was Strafford able to redeem these Northern Customs. Accordingly these exportations to Holland flourished exceedingly. In April 1635 he reported the matter to the Privy Council.[5] A series of regulations were devised to meet the emergency. Exporters were bound by heavy securities to land in certain specified ports, and to bring back certificates that it was in England they had landed the wares.[6] This worked very well, but the canny Scotch simply transhipped the wares after procuring the certificates, and went on their way rejoicing. "Scotland is too open and we cannot shut it" wrote Laud. "The openness of that door lays the North of Engand open also.[7] Strafford seems

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1) History of Ross. Hore—294. 295. 2) W. H.—244. 245, 249. 250, 251. 3) H. V. C. VIII—43. 4) L. S. I—382. 5) L. S. I—402. 6) L. S. I—423, 424. 7) L. L. VII—128.

to have suggested concerted action on the part of the North of England magistrates, but Laud despaired of this. "The King will hardly find any that be active and true to him, should we go that way. A greater fear there is also that the King will think too much of Scotland." [1] Some kind of modus vivendi however must have been arranged, as at a later date Laud refers to the business as finally settled.[2] Suffice is to say that the Customs receipts which were £ 22.500 in 1632, reached £ 55.500 in 1639.[3] "Nothing", said Strafford, at his trial, "can be imputed to me unless that the Kingdom of Ireland is an increased and growing Kingdom, and the trade enlarged to such a proportion as makes the Customs of far more value".[4]

To a modern generation it may appear strange, yet it is undoubted but that this reform raised very bitter feelings in very powerful quarters. As has been already stated, smuggling was, at that time, regarded as tolerantly as evasion of probate duties is by the Irish farmer to-day. The Scotch adventurers, the shipping interest of the period, and the Municipalities suddenly found a source of their revenue cut off. Three such political interests as this, with their far reaching ramifications, counted for much in the autumn of 1640 and the Spring of 1641. A financial interest always gravitates towards its own financial interests in politics, be they high or low, and the removal of Strafford from the throne of power meant solid cash to many men, who, no doubt, were quite convinced in their hearts that their opposition was due to a love of liberty or a partiality for some religious dogma. In affairs of state classes and interests can deceive themselves as easily as they impose on others.

The Irish House of Commons in 1640 passed an omnibus resolution specially designed to voice the grievances of all parties. The first and last articles voice the indignation of those so affected. "The general and apparent decay of trade, the extreme usage and censures so that merchants are beggared and discouraged to trade, the gentry and merchants brought very near to ruin, and the farmers of Customs, customers waiters, searchers, and clerks very much enriched."[5]

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1) L. L. VIII—173. 2) L. L. VIII—204. 3) H. V. C. VIII—194; R. P. VIII—245. 4) R. P. VIII—250. 5) R. P. VIII—11, 13.

Radcliffe's reply is still on record. "From the entries in the Customs Books trade is much more than double what it was in the last seven years. The native commodities exported are in value more than the foreign imported. For one ton of shipping that was in the Kingdom there are now 100 ton. I never heard of any complaints of extreme usage, or that they are beggared and disinherited. If any merchant had forfeited his goods, it is for fraud in not entering the same in the Customs Book. If he acknowledges a forfeiture and doth desire to have his goods restored on composition it is done, according to a power given by the last Parliament. As for those who are "very much enriched" no general answer can be given. It is too vague. Five parts out of eight of the Customs are brought in to the King, and it is now one of the choicest branches of His Majesty's Revenue".[1] To this the protestors replied, no doubt, with truth, that before Strafford and Radcliffe came "Merchants who braved the seas were well-treated by the customers, and not grated by great persons. Ships and goods were not confiscated for trifling faults".[2]

The fourteenth article of his indictment was directed at his restrictions on smuggling. He had ordered all ship owners to take an affidavit in each port which they entered that their bills of lading were true.[3] The article of indictment describes this as "a new and unlawful oath"[4] Unfortunately for the prosecution it was identical with the one in force in England, had been drafted by the judges, and countersigned, not only by the whole Council, but by some of the star witnesses for the prosecution. It was therefore "stayed for the present".[5] One accordingly unterstands what Radcliffe meant when he put chief among the causes of Strafford's downfall. "He caused the merchants to pay their customs more duly than had done, whereof many in Corporations were sensible and displeased."[6] All the members for the Port Towns voted for the Remonstrance against his Government.[7]

The Customs however were not the only branch of the Revenue which "men of power" evaded to the detriment, not only of the State, but of "the meaner sort". In the Falkland regime

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1) T. C. D. F. 3. 15. 2) C. S. P. 1641—258. 3) B. L.—28. 4) R. P. VIII —67. 5) R. P. VIII—26, 653. 6) L. S. II—434. 7) Gilbert. Nationsl. M. S. S. IV—1.

the Executive had been temporarily saved from bankruptcy by contributions, tendered by the Lords, and levied on the Counties by County Committees. These levies were followed by an explosion of indignation. So far did the furore extend that, in County Cork, the Grand Jury "presented" the sheriff for collecting the money, and St. Leger, the Governor, actually refused to transmit the money to Dublin. When we remember that Strafford's subsidies were twice the value of these contributions and were paid without protest of any kind, we must look for some other reason for this uproar than the natural objection to taxes, and the traditional desire of "the disaffected" to deprive the Executive of its supplies.

In some of the petitions we notice phrases such as this. "The unequal incident of the burden which was imposed mainly on under tenants, whilst the great Lords, judges, generals and officials escaped" . . . . "The unfair incidence of the taxes which weigh heavily on the oppressed tenants of great lords." "The tax is unfair. It enables the large landlords to go free." "The inequality of the incidence." [1] "When any subsidy is granted by a Parliament", ran one screed of woe, "the native and prime gentry be taxed less than the meanest yeomen, who are owners of some few cows. This proceeds from the pliability of the Commission, and is practiced by the principal men that the King might not know their estates". [2] It was, no doubt, most pleasant for Charles to receive a deputation of "prime gentlemen", who loyally tendered him a Benevolence, asking but some simple looking "Graces", but, if he had consulted a single member of the Executive, he would have been told that rural committees required stern supervision.

In the Council Chamber Luke O'Toole was summed by the O'Byrnes for a scandalous transaction. "For his own private gain he extorted money in sterling instead of in Irish money, and also exacted money from many, who were not assessed to pay money at all". He was fined and compelled to disgorge. [3] In the meantime "the Great Ones", territorial and municipal, having brought taxation into odium, rounded on the authorities, assured all and sundry that the Government were to blame, exploited the indignation they had aroused, and were very eloquent on "the wrongs of the people" when more money was required.

1) C. S. P. 1629—461, 424, 467—470. 2) T. C. D F. 3. 16. 3) Egmont.

When Strafford arrived these contributions were still in force, and, though he got them renewed, he had a pretty severe tussel, first with the Lords, then with the Council and then with the minor gentry in Ulster to secure their collection. Soon, however, he lighted on the flaw. Some years before an eminent Roman Catholic courtier, of Dundalk extraction, had reported to London that the contributions would come in easier if "Lord Cork's estate be not exempted, and he do as others do".[1] Strafford, when defending his subsidy assessments, said "In these late contributions the nobility in a manner wholly laid the burden upon the poor tenants, most unequally freeing themselves, and therefore it is reason they should pay the more now, as for example my Lord of Cork, as sure as you live, paid towards the £ 20.000 yearly contribution, not a penny more than 6/-s 8d Irish a quarter", truly a munificent contribution from the wealthiest peer in Ireland.[2] Lord Cork owned three baronies, and amongst other towns Baltimore, Bandon and Tullow. As Lord Justice and a great Munster Landlord he had exempted his own estates from taxation by tampering with the assessment rolls. He defended this on the grounds of "the extreme poverty" of these towns, despite the fact that, in the same year, he is found writing to Coke, bragging of the extent and prosperity of Bandon compared with Londonderry, whose "poverty" seems to have secured no such recognition.[3] Strafford discovered the scandal, restored the old assessment Cork had altered, put in the soldiers as bailiffs upon the exempted estates of the Earl of Cork, and made him and his friends pay their assessment, just as if they were ordinary folk. In a foolish moment Lord Cork resuscitated this, and inserted it in the indictment. It constitutes the first half of the 15th article. Strafford however made such a scorching reply in the pleadings that, when the time came to examine the article, the prosecution were in terror lest he might refer to the first half which they "waived", while anxious to press the second part which refered to another case of using soldiers as bailiffs. Accordingly when Strafford began to refer to Lord Cork's destraint, all the Paliamentary barristers sprang hastily to their feet "conceiving it was not fit he should answer to an article to which he was not pressed".[4]

1) C. S. P. 1625—1660. p. 398. 2) L S. I—466. 3) Cowper M. S. S. I—438. 4) L. P. 2 s. 176—179; R. P. VIII—26, 67, 68. 448.

On the abolition of contributions and the enforcement instead of subsidies, Lord Cork's "6/-s 8d Irish a quarter" rose to £ 600 a year.[1] Opposite the entry of his subsidy payment in the Earl of Cork's ledgers is inscribed a smothered curse. "God never forgive it to his good Lordship."[2]

Apart however from these taxing activities, Strafford succeeded in abolishing certain of the English duties on Irish importations. One of the concessions whereby he broke the hostile caucus in his first Parliament was the absolute freedom of the Irish ports for the exportation of cattle.[3] Falkland seems to have been responsible for this, probably with the best intentions, as his few years of office were remarkable for great scarcities, high prices, and a plethora of enforcements of regrating and forestalling acts. In 1626 he wrote that "we should be starved if export of cattle were allowed, "and that year and the next the export was disallowed on the ground that "the price of meat was too high".[4] The Proclamation complains of "a great scarcity of cattle", "the inhabitants cannot for money be duly furnished with diet", the "exhaustion" of breeders, the "waste" of grazing lands, the "decay" of the trades depending on the slaughter of cattle, the "loss to His Majesty's Customs", and the suspicion that "the said cattle by sinister conveyances are conveyed to His Majesty's enemies". The Proclamation put a complete embargo on sheep, cows, oxen and swine.[5]

The price must have fallen because Strafford's Customs Officials when assessing meat for tonnage and poundage put it at the moderate figure of $1^3/_4$d per lb.[6] Be that as it may, Cattle have always been one of those articles of export on which farmers depend to pay their rents, rates and taxes. To put a restraint on cattle was an interference, which could only be warranted by a murrain or a civil war. Nevertheless these cattle had to run the gauntlet of an English import duty of 1/-s 6d a head, which seems to have been the pet creation of Sir Abraham Dawes the nominal farmer of the English customs, of whom more anon.[7] This duty Strafford succeeded in abolishing during his visit to London.[8] It is worth noting as one of the symptoms of the terrible

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1) Dom. 1635—452. 2) L. P. 1 s. V—51. 3) L. S. I—293. 4) C. S. P. 1626—167; B. L—29, 30. 5) Council Book of Youghal. Caulfield—128. 6) R. P. VIII—244. 7) Dom 1635—231. 8) L. S. II—23.

destruction of the subsequent rebellion that, for the first and last time in her career, Ireland was obliged to import cattle, after that whirlwind had spent its force. An English export duty on horses,—5/-s on horses and 20 nobles on mares—which hit his cavalry severely, and a threatened increase on the importation of sheep into England, he induced the Privy Council also to forego.[1] In the case of the exportation of horses from England he came up against a monopoly, which was chiefly to blame for the retention of this duty, at a time when there was an undoubted scarcity of horses in Ireland. The only person with the power to export horses duty free from England was the Marquis of Hamilton, and, all during the period of the reorganisation of the cavalry, this little "farm" had brought in quite a tidy income.[2]

Except for the subsidies Strafford imposed no extra taxation. The reform of the Irish Revenue was achieved simply by a systematic collection of those taxes which had always been in force, voted by Parliament or consolidated by prescription, and hithertoo nullified by the exemptions of "particular persons". Once a proposition was made to increase the Customs Rates, "The devil never sleeps", wrote Cottingdon. "There is one come into the Customs that is not your friend."[3] This was Murray, whose "suits" Strafford had so often stayed. Someone at the Council raised the point that the Irish rates were too low. The King thought so also, and told Sir Abraham Dawes, one of the farmers of the English Customs, to increase the Irish rates. "In this particular", wrote Laud, "there is a dominus opus habet and that will go far in the business. To speak freely with you from whom the advice came I do not know, the number of projectors here being so very many. The King is of opinion the book was well made. Use no acrimony against Dawes. The King has a very good opinion of him".[4] Strafford was furious. "I will not give much for his skill. He hath not his name for nothing. Magnus thesaurus latet in nominibus." In the first place he objected to a stranger interfering. "What does he know of this from his own private profits there? Every man should keep in his own province." Secondly the country was quiet and he desired no uproar. Thirdly his idea of raising

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1) L.S.II—19, 23; C.S.P. 1636—136. 2) C.S.P.1636—40. 3) L.S.II—124. 4) L.S.II—156, 169, 175, 240, 263; R.P.VIII—241—252; L.L. VII—381.

the revenue was to let the country develope and draw increased profits from the existing rates. At his trial it was divulged that he and the Irish Council drew up a scathing condemnation of Dawes' proposals, and thus, despite the Royal intervention, he succeeded in averting a direct tax on trade, which would have, undoubtedly, formed another of the changes that were made against him. Dawes' financial reform had been to impose an export duty on all cattle, in flat defiance of the pledge to the contrary, by which the subsidies had been extraeted.[1]

1) C. T. 1–246.

Chapter VI

PROJECTS

Questions which I desire your Lordship would consider of in your own wisdom and private resolution.

1. Why the Government of Ireland cannot, without charge, be maintained by Ireland itself, being almost so big as England, and abundant, fruitful of divers good commodities?
2. Why, the whole land being in peace and obedience, as sometimes the Governors thereof report it to be, it is not brought generally to the observation of the English laws, both in spiritual and in civil matters by any Governor hitherto? MILER MAGORATH.

The first step in reorganizing the finances of Ireland was to put a stop to the scandalous practice of paying officials and creditors by assignments on debtors. [1] No accounts could be kept or balance achieved by this traditional method of Hibernian finance. To reform this all state rents were collected on a fixed day, and that day was made unalterable. The subsidies were collected systematically and by careful methods of assessments, unlike the old contributions, which Strafford describes as "violent takings, ravishments of the poor, instead of the modest quiet levies of a Christion King". [2] No part of these subsidies was allured over to England. It required constant vigilance to procure this. English finance was in a precarious state. English statesmen found it easy to pass a signet letter at the expense of the Irish Exchequer. Page after page of the Knowler correspondence is devoted to Strafford's wrangles with London in regard to this. Over and over again he is found writing to London to "stay" one of these letters, to warn Ministers that, if these subsidies were touched the Irish Parliament would never vote any more, to emphasise that they had been passed for a specific purpose on a

1) L. S. I—190. 2) L. S. II—19.

specific promise, to warn them that the King's credit in Ireland depended on the sanctity of his word, and to assure then that the day would shortly come when the Irish Kingdom would be able to bear many and great changes, but that day had not come yet. Only one such signet letter passed, and in that case it was the redemption of a great monopoly, which effected Ireland as well as England. "I do supplicate your Majesty that no more of this kind be stretched forth. We must remember the great assurances given in Parliament, the great argument by which we drew them to so great and cheerful a gift. If these be not performed they will hold themselves abused, and we will utterly lose our credit even to infamy, and these supplies be scanted for the future."[1] Strafford's hold on Ireland was due to two things. He never failed to carry out a threat. He never failed to carry out a promise.

"Suits" from England were bad enough, but "suits" from Ireland were remarkable. Sir John Norreys in Elizabeth's reign said that "there never was such an excessiveness thereof".[2] Strafford had laid it down as a rule that "no grant of what nature soever, concerning Ireland, be suffered to pass till the Deputy be made acquainted".[3] This was an excellent rule, but it was never kept. An Irish gentleman would adjourn to London and there, after due discourse on his loyalty, persuade either the King or the Council to grant some seemingly most harmless grant, as payment for same mythical services. Then he would arrive in Dublin with the signet letter, and demand payment, and Strafford would have to refuse it with a surly scowl. "These Irish" Strafford said "have transcendently to be the people of all others loathest to be denied anything they desire, be it with or against reason".[4] "His Majesty is daily pressed with Irish petitions" complained Coke. "The Earl of Antrim requires upon a surveyor's certificate, without further hearing, to settle him in possession of such lands as he demanded without other clauses.[5] "Send all petitions to me and for the love of God hold to that course" was Strafford's reply. That petition of the Earl of Antrim's was an effort by an Act of State to forestall some legal proceedings as regards title, taken against him by Cahil O'Hara.[6] Coke's next

1) L. S. I—492. 2) C. S. P. 1595—497. 3) L. S. I—65. 4) L. S. I—281. 5) L. S. I—137. 6) L. S. I—152, 153.

letter reveals the painful fact that "Lord Bourke under colour of renewing his barony and raising it to a Viscounty, attempted to get a Confirmation of the land which was in question between him and the Lord of Cahir. Neither of them had the right". [1] A whole crop of literature has grown up round a pleasing theory that all the depredations of this period were the proud prerogative of the Planter class. Alas! It is not so. The Irish aristocracy were past masters at the art. Not only had they friends and relations and payees in the Irish Executive, but they had what the planter class never had—the right of entree at Court. Strafford hurled quite as many objurgations at them as at the Earl of Cork, and Lord Mountmorris. On the other hand we must remember that, in all state documents, we only see the worst subjects, and the worst side of their character, only "the particular person with his particular end at the expense of the commonweal". All those Crown lands Strafford recovered, all those subsidies he raised, all those savings he achieved would have been naught if he had not been able to say "no" so frequently, or, as he used to put it, "take the negative off the King and bear it ourselves". The enemies he made must have been legion. On the other hand not one of his friends left him when the crash came. "If those he employed were diligent in the King's service, they needed not study for suits themselves. His watchfulness and bounty, would prevent them. Among all his qualities none was more eminent than his friendship. He never had anything in his possession or power which he thought too dear for his friends. He was never weary to take pains for them."[2] Nothing is more noticeable in his correspondence than his outbursts of fury when some young courtier was prefered in the Irish Army to some obscure but seasoned ensign, whose very name showed that he was not of the governing classes. On the few occasions when this occurred Strafford made himself so very unpleasant that the King had to intervene with soothing words.

The financial methods of the Irish Executive sadly needed reform. The tradition of that body was remarkably Oriental. The State papers reveal a body of men rather like the eunuchs of the Empress Theodosia. Their quarrels, intrigues, corruptions, and backbitings, were amazing. It is true those of London were not

1) L. S. I—159. 2) L. S. II—435.

very edifying, but in the Irish State Papers there is the aroma of some mediaeval stench, the slime of primitive cave dwellers, and so terrible is the mutual hatred that, as one reads the letters of the long forgotten men one can almost hear the swish of a Florentine stilletto. The man who entered those portals carried his life in his hands. There was no lie of which some of these men were not capable, no meanness to which they would not sink. The dispatches in their own handwriting reveal a passion, of which it is to be hoped this generation has lost the secret. We must remember that the Imperial Power never dared trust Ireland to an honest man. It made that mistake once or twice and paid for it in blood. All during the Tudor and Stuart period, the Deputy was surrounded by spies, was embarrassed by agents of the Council in London, was disowned and vetoed by the Crown of England, was suspect, distrusted, frequently recalled, and several times beheaded. If he mobilized a strong party behind him in Ireland, Heaven only knew what would occur. In Ireland too there was the same spirit Men knew too well what to expect if a Deputy threw in his lot with the Burkes, or the O'Neills, or the Scotch Settlers, or the priests, and used them to fling off the Imperial veto. The Irish Executive was the creation of Ireland, imposed by its own will to deal with a desperate state of affairs. All these feuds and parties and groups within it, were but checks on each other, so that none could work his own will, and each of them represented some class in Ireland, who looked to its man to protect its interests, and, if he failed, looked across to London to the King to come to its aid. O'Byrne when in rebellion left his interests to Adam Loftus. Hugh O'Neill, when in rebellion, kept at least three members of the Council in his pay. When the others formed a plot to seize him under a flag of truce these three betrayed the plot. The greater part of the Council were bribed to allow Hugh O'Donnell to escape from the Tower, and, to cover their traces, some of the warders were imprisoned, and one died suddenly. Each and everyone of these curious creatures had no scruple in revealing these painful facts at a later date to Elizabeth, who locked such things discretely in her Royal bosom, reserving them for some future occasion. The fact that such a curious, unlovely, and disreputable institution had emerged triumphant in the great upheaval shows that the very stars in their courses fought against the dynasts and the disruptionists. For an

institution, without even the honour that prevails among thieves, to reach such a pinnacle reveals how determined the country was not to submit to an O'Neill, a Burke, or a Desmond, but only to a Committee in Dublin which "had its dependance" on an outside power, and was composed of the satraps and eunuchs of an English Sultan. "I find them in this place", said Strafford, "a company of men the most intent upon their own ends that I ever met with. God deliver me from this ill sort of men, and give me Grace, so far to see into them, as that neither my Master's service not myself suffer by them".[1]

The reorganisation of the finances of State lead to a direct breach with Lord Mountmorris, the Vice-Treasurer, the most dangerous man in the Executive. Clarendon says that he was the state spy upon the Deputies, and had the scalps of no less than three to his credit. It was he—even more than Lord Loftus—who had procured the recall of Falkland, by representing criminal proceedings against the O'Byrnes proceedings in whose initiation Mountmorris had taken a part, as a "put up job" to deprive them of their lands.[2] Subsequently Falkland sued him in the Star Chamber for accusing him of the murder of a man called Bushin, but, while some of the other defendants were found guilty, he was acquitted.[3] It is significant that Strafford had to indict him for a similar libel, and again the authorities acquitted him, though there was just enough evidence to show that he was the instigator of the others who were convicted.[4]

When Strafford became Viceroy his first official act was to preside at an inquiry into a series of charges Mountmorris made against Cork, and Cork made against Mountmorris in regard to corruption and embezzlement. Mountmorris' reply to Cork is still extant, and displays a fury and venom only equalled by that of Cork. All down the margin Cork has scribbled indignant comments such as "false", "slanderous", "untrue", "it is he that raiseth passion and not I".[5] Strafford's findings lean slightly towards Mountmorris. He was on the spot, and could be heard, and was a persona grata at headquarters. Of Cork Strafford had heard much in regard to expropriations of Church Lands, on which we may be sure Mount-

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1) L. S. I—96, 120. 2) Cowper M. S. S. I—367. 3) T. C. D. F. 3. 17; Cowper. M.S.S. I—382. 4) R. P. III—897—900. 5) T. C. D. F. 3. 17.

morris dilated at length. "We submit" was his finding "that Lord Mountmorris deserved rather the help than the censure of the Lords Justices. As to the charges of personal disrespect they are but trivial little heats, happening out betwixt them, which might well enough have been spared on either side".[1] Strafford then set out for Ireland. It is worthy of note that he had the utmost difficulty in inducing Mountmorris to bestir himself, and—yet more significant—to make certain payments.[2] Mountmorris had a little way of delaying state disbursments for reasons that will appear later on.

Clarendon describes Mountmorris as "notoriously unloved and so the more unpitied".[3] Laud said of him, when dismissed, "I hear no man pity him".[4] It is very curious how Strafford's scathing comments on his chief financial officer are completely born out by contemporary documents. Falkland wrote sometime before. "We proceed on ill terms for I know his malice and hath heard of his collections with which I charged him".[5] Colonel Barry, one of Charles' body-guard speaks scornfully of his "baling and railing". Charles himself had no love for him.[6] Gerrard the Master of Charterhouse, "found him so tedious that I was wont to bring cats into my room to drive him away".[7] He was a very difficult man to work with. Cogan's letters are most lugubrious. He complained that Mountmorris set his touts on him, first to make him drunk, and then to play cards, in the hope of "finding out whether I am inclined to vice". Cogan was a most respectable business man, who had come to Dublin, not to play cards, but to make money. He was highly insulted, "If he were as free himself", he snorted, "as I am that way it would be more to his credit".[8] In this gibe there was some truth. Strafford, who took a very severe view of Dublin and its gaieties, subsequently found out that Mountmorris was in the habit of fleecing young officers at cards, and then lending them money to get them further into his toils, a practice which he reported with severe comments to the King.[9] As it was, he tried his best to make peace between him and Cogan. "I wish these misconceptions were laid aside by you both, and that neither of you would be so apt to credit reports, which are often made from no good will to either

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1) C. S. P. 1632.—657, 658. 2) L. S. I—73, 74. 3) C. H. I—127. 4) L. L. VII—248. 5) Laing M. S. S.—166. 6) Egmont M. S. S. I—131, 132. 7) L. S. I—388. 8) H. V. C. VIII.—35. 9) L. S. I—392.

party." It was however a useless undertaking. Partly for this reason, and partly because of certain discoveries he made in Irish financial affairs, he had to take over the whole management of the Customs himself. When he did so, Cogan gleefully informed Sir Arthur Ingram that Mountmorris was "not little discontented and hath manifested it by some coarse words, and it is thought the Lord Deputy doth begin to discover him, and in time it will break out, for he cannot but shew himself what he is". [1]

Pending these inquiries Strafford himself suffered from the lash of his tongue. Mountmorris informed all and sundry that it was he who had made Strafford Deputy. He published a pamphlet detailing to an amused world some words that had passed between him and the Deputy—in of all places—a stable. [2] Part of this was due to volubility and vanity. Strafford looked very askance at a Statesman, whom it was the pleasure of idle wags to draw out, so as "to make themselves the more sport and mirth", and the Lord Chief Baron protested vehemently against his raucous peculiarities in the Exchequer Court. [3] Strafford and Radcliffe however left him alone, and confined their energies to probing into the accounts.

There they discovered a traditional and everlasting peculiarity of State Departments. As Vice-Treasurer Mountmorris was supposed to supervise all the Irish accounts. One account, however, was outside his office, and that was the Ordnance account of £ 500 a year. Mountmorris accordingly created the post of Commissioner of Accounts to pass all accounts he did not pass as Vice-Treasurer, and to this post he appoinet himself, at a salary of £ 20 a year. To create a salaried post for this miserable account at a poundage rate of about 1s 6d in the pound was more than Strafford could swallow, and accordingly he "struck that holiday off the almanack", and turned the ordnance account over to another official. [4] No doubt more of these performances came to light, because, as time went on, Strafford grew chillier, whenever Mountmorris' name was mentioned, and the latter waxed more and more boisterous. Perhaps too Mountmorris was becoming uneasy at Radcliffe's incessant probings among papers. His attitude on State finances may be deduced from the following letter to a titled

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1) H. V. C. VIII—39, 42. 2) L. P. 2. s. III—258; L. S. I—388. 3) L. S. I—403. 4) L. S. I—392.

confrere. "The best way to deal with mad commissaries is to return your books not subject to much check. This you can do well, as you have good experience in law deceipts. Your commissary is a servant of Lord Caulfield's Write to Lord Caulfield to moderate him." [1] At an early stage he began to consider his resignation, and after the manner of the period, asked Strafford to nominate a purchaser for his place. [2] In 1635 he was writing "I wish I could get a post away from here". [3] While negotiations were pending with Sir Adam Loftus, a scandal came to light, which determined Strafford that dismissal, and not resignation was the proper course.

The charge Strafford made was in reference to a scandal which was notorious in the whole administration, and it was characteristic of Strafford that he stopped its further growth by pouncing on a titled and powerful offender, and not on some half paid clerk in a lower division. It was, with other charges, examined by Lord Robert Dillon, the Master of the Wards, the Lord Chief Justice and the Lord Chief Baron, and found proven. The depositions and a copy of his examination were forwarded to London, and the Privy Council there also approved of his dismissal. [4] The papers are not to be found, but some degree of corroboration is given by an entry in the Earl of Cork's diary some years before this incident. The entry relates that two officers complained to the Council that they could not get the wherewithal to pay their men from the Vice-Treasurer. Mountmorris defied the rest of the Council, and said he'd "pay whom and when" he pleased. The Earl of Cork pointed out that the money was in the Exchequer, and again asked him to release it "He replied that other men as the Earl of Clanricard and the Lord Lambert and others were unpaid, and ought to be preferred before them". A few days later the officers made another petition, and again the Earl of Cork asked that they be paid, seeing that Mountmorris had the money. Mountmorris flatly refused with the surly remark "Your Lordship is mistaken. You look too curiously into my accounts". [5] At the same time Cork was writing to London "the Captains complain much of Lord Mountmorris' discorderly and unequal payments". [6] This is in a private diary, written some years before Strafford began operations.

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1) C. S. P. 1630—574. 2) L. S. I—306. 3) C. S. P. 1635—92. 4) L. S. I—497, 512. 5) L. P. I. s. III—59, 63. 6) C. S. P. 1630—522.

It reveals the fact that the army was not being paid, though there was money in the Exchequer, that Mountmorris was singularly loath to part with the money, and that, according to himself, some officers should be preferred before others.

What finally provoked Strafford was a discovery which explains all this performance. Sir Arthur Blundell had to wait a year for the pay of his company, though there were ample funds in Mountmorris' possession. At last he gave £ 40 to Mountmorris' brother-in-law, one of his officials, and next morning the pay was forthcoming. "'Tis true my Lord denies this to be with his privity, and hath caused the servant to repay the money, since he knew I had notice of it, but, between the Master and the servant I am sure it sticks, and this probability here is against his lordship that he had the money then in his hand, and yet satisfied not according as his warrant required till the reward came, and then the present and immediate payment so soon after seems to be an evidence of the fact against him. Nor hath he left to employ Hull since as formerly, notwithstanding that Sir Arthur Blundell, finding himself aggrieved that Hull should exact such a sum from him, without the privity of my Lord, who disavowed him in it, telling Hull he wondered he should use him so, Hull swore a great oath. "His Lordship knew as much already as he could tell him of in that matter." If his friends find no better usage what may we not expect from strangers?" [1]

Mountmorris was tried and convicted, and confessed that he had been guilty of "exactions and extortions of fees in his offices".[2]

Nor was Mountmorris the only official who fell during this overhauling. He was not the only expert on what Falkland called "Collections". The Treasury Remembrancer, Robert Kennedy, was dismissed for "misdemeanours and extortion".[3] The following letter gives a curious glimpse into the sentiments of the epoch" "I advise you to get a post in Ireland. There will shortly be some good ones for sale. All or most of them are conscious of their own neglect and is thought will rather forego their places than hazard an account of their actions".[4] One understands why Mountmorris

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1) L. S. I—403. 2) C. T. I—263. 3) R. P. VIII—157. 4) C. S. P. 1633—25.

was anxious to sell his post. There were obviously other trembling spirits in the Augean stables.

At this period, however the traditional method of collecting taxes and controlling trade was by a monopoly patent. The odium into which they fell should not blind us to the merits of many. Many a tax was collected at a cheaper cost to the State and with less red tape by an active projector than our modern method of a multitude of officials and of forms. It is a very moot point whether our modern control Boards, Wages Boards, and Board of Trade Regulations regulate supply, demand, and wages with such efficiency as some of the Monopolists regulated the trade for whose control they paid well into the Exchequer. Idle is all pretence but that, at this period, the trade of England was soaring and what is more that the level of wages was far above the level of subsistence. It was not till all trade was decontrolled after the Revolution, that, "the forestaller and regrator" stepped into exact his toll, and his was far in excess of the monopolist. Industrial England was reared on monopolies, reared on this system whereby the founder, or organizer or inventor of a manufacture was protected. We must accordingly, in examining these monopolies, take each in turn, and not condemn all because many—very many—were scandalously corrupt. For some very good reasons could be advanced, though, in the reign of Charles, there is strong evidence that the system had broken down. Trade was too vast and widespread for the State or a man to regulate it by the old methods. The monopolists were fast becoming not the creators and organisers of trade, but men, who by illicit influence, secured an Act of State, forbidding others to compete with them in the market. "Idle projectors" was the name by which they were known. One of the most famous attacks on the system was that made by Sir John Culpepper in the Long Parliament. "They sup in our cup (Duty or wine). They dip in our dish (Restaurant licence). They sit by our fire (Coal tax). We find them in the dry fat, wash bowl, and powdering tub (Monopoly of soap and salt tax). They share with the butler in his box (cards and dice patent). They have marked and sealed us from head to foot (Licenses on felts and laces), We buy not their clothes without their brokage" (Pin patent).[1] The cynic will find

1) R. P. III—417.

consolation for the enthusiasm of this speech in the unpleasant fact that the orator, Sir John Culpepper, had, till a few years before, held the monopoly of salt, on a lease of 14 years, which monopoly had been called in.[1] Hinc illae lacrimae. What is yet more lugubrious is that the stern Puritans when they came into power on a wave of enthusiasm for pure finance, so "bangled" the revenue when they got into office that, in eight years, they "raised by taxes more than all the Kings of England since the conquest".[2] Nevertheless the outery in England bespeaks a grievance, which must have been felt, and a grievance too which the Royalists were ashamed to defend.

In Strafford's Irish regime only one of these gentry got loose. Monopolies there were, but they were Monopolies which could be defended, and which did not interfere with legitimate trade or established traders. The fact that Strafford kept this vast horde of "projectors" at bay speaks volumes for his activities. His usual tactics were to threaten the authorities in London with an Irish explosion, and to assure them that he had kept their suggestion quiet "for I dare not even suggest it to them here". The awe-struck Council who dreaded nothing more than a revival of what modern writers call "the Irish question" always withdrew their proposal after receiving one of these threats.

Certain monopolies however were granted. All mining rights were at that period vested in the Crown. The power of searching and using the Munster mines was granted to one William Webb, on condition that he returned into the Exchequer 20 % of all gold, silver and copper he might bring up, and a sixth of all lead. In the case of a Tipperary mine the proportion was reduced to 10 %.[3] One of the partners in this farm tried to procure an abatement of £ 100, but, despite a Royal warrant, Strafford held firm to the bargain as he held that the profits of the Company would in time be healthy. In 1633 this farm brought in £ 500 to the Revenue.[4] Another mining project however was less favourable. It was a concession to Endymion Porter of the mining rights of the three other provinces for a 10 % royalty. The financial terms Strafford tried to improve and the sweeping extent of the area he tried to

1) Dom. 1636—360. 2) History of the Puritans. Marsden. vol. II—346.
3) C. S. P. 1633—5. 4) L. S. I—191.

cut down, but Porter's influence with the King was too great, and the contract went through.[1] The Munster Mines however turned out a success, the lease passing into the hands of Sir George Hamilton. The proportion of silver to lead was high, no less than a third of the extract of silver going into the Exchequer under the fresh agreement.[2] In 1637 the profits to the Exchequer reached £ 3.000, the direct mining royalties reaching £ 600 in 1640.[3] The total export of lead in that year was a little over 200 tons.[4] This mine of Hamilton's seems to have been worked with considerable skill. By an arrangement of the gradients the miners were able to extract the ore in wheel barrows, and a skilful arrangement of conduits carried out the inevitable water. The Mine employed close on a thousand workingmen, a large number of whom were massacred in the upheaval of 1641, the mine and works being destroyed by the local anarchs.[5]

The "projects" that poured in were many and manifold, and it was Strafford's boast, that 'he always opposed them'.[6] The most persistent "projectors" seem to have been Endymion Porter and William Murray, one of the grooms of the Bed-chamber. Whenever they got word of anything stirring in Ireland a signet letter was due to arrive. Soap, Church impropriatiars, tallow, land from which the sea had receded, royal fishing rights, mines, and the sale of places in the Executive—everything and anything was agreeable to this pair, who never seemed to dream of a project which involved the creation of an industry. The mining rights in three Provinces and the sole right of vending his own soap was all Porter ever secured, and this latter monopoly was solemnly brandished by the Irish Parliament on Strafford's downfall as an intolerable grievance to a much injured people.

In Strafford's indictment a list of monopolies was inserted which he was accused of creating to restrain trade, and in the wild resolution of the Irish House of Commons the same monopolies also appear. Some were defunct already. Only three passed him. One of these was Endymion Porter's soap patent which only applied to his own special brand of soap, and therefore corresponded to a modern patent. The other is "glass" or "glasses", concerning the

1) L. S. I—203. 2) L. S. II—95, 113. 3) L. S. II—91; C. S. P. 1647—60. p. 235. 4) C. S. P. 1669.—55. 5) Tracts and Treaties. Thom. 1860. p. p. 115—120. 6) R. P. VIII—25.

details of which there is some confusion. Glass had been manufactured in Ireland for some considerable period. In 1589 a projector told Burleigh that for two years he had been employing twenty four men at this occupation. Early in the reign of James a licence to manufacture at Arklow was issued.[1] One of Parson's tenants must have carried on the manufacture on a considerable scale, because, at a later period, a writer describes how, before the rebellion, "from this place Dublin was furnished with all sorts of window and drinking glass".[2] Taylor, writing from Spain, enumerates "clay to make glass" as one of the normal importations from Malaga.[3] A monopoly for glass had been in existence some time. It was owned by a projector of the name of Maunsell, and consisted of the sole right of manufacturing glass-pots of the Murano Model for an annual payment of ten marks a year. This Strafford altered into a payment of £ 1.500 a year. The prosecution did not touch the matter at all. The Irish Parliament it is true complained of "glasses" as being monopolised, but the King on Strafford's fall declared that glasses should be treated as in England, which leads one to believe that this monopoly of Murano glasses was an old established arrangement which had emanated from London.[4]

The nearest approach to a monopoly was that of tobacco, which formed the 12th article of Strafford's indictment. The impost or ancient subsidy on this article was 6d, and the custom was 1/6 per lb. Under the old regime the impost had been leased out to two men-of-straw, acting for Lord Middlesex, for the ridiculous rent of £ 20 a year. The Customs duty was also leased for £ 20 a year.[5] Whether through the small importation, which is likely, or the prevailing evasions of duty, which is also likely, all the original patentee received was £ 200 a year.[6] The House of Commons petitioned that this unbusiness like farm be redeemed, and become a State concern, which was accordingly done. The right to import tobacco, and to impose on it a duty now lay on the King. Strange as it may appear, at this time, before the rise of Common Law and Constitutional practice, all rights, powers, duties and profits, which were not assumed for the subject by an Act of Par-

1) R. I. A. Proceedings 29. p. 34. 2) Tracts and Treatises. Thom. p. 130. 3) L. S. I—104. 4) Dom. 1634—5.—477; C. S. P. 1634—37; 1641.—318; B. L.—38. 5) R. P. VIII—407. 6) L. S. II—133.

liament, were presumed to be vested in the Prerogative. The Parliamentarians first laid down the doctrine that the King could only Act when Parliament gave him power. The previous and the Royalist creed—and Ireland was a century behind England, and strongly Royalist—was that the King could do whatever was not forbidden by a Statute. A monopoly granted by the King was now in the King's hands again, and a Pale gentleman one time thus addressed him on monopolies. "His Majesty may well lay taxes in the nature of monopolies on things of superfluity, such as are the roots and fuels of riot, pride, vice, pleasure, and curious delicacies, just as they are the penalties on excess in other countries." He suggested licenses to "butchers, bakers, usurers, graziers, horse-coursers, and the rest of that prowling brood. This will avail the King much and prejudice the subject little." He added a comment worthy of note. "The King should reserve these monopolies to himself. There is no nation that (objects) less at taxes in any kind, than the Irish, if it tends to the King's advantage or the general good. They hardly brook any charge if it goes to any private man's purse."[1] There is every evidence that this extraordinary acute essay written by this unknown Irishman ten years before Strafford landed, was the basis of his Irish policy. The very phrases in his letters are the same as in this lengthy document. The scandals exposed are those he reformed. Whosoever the author was, Strafford seems to have regarded him with some attention.

Sufice it to say, that here was an existing monopoly, now in the possession of the King, an existing duty that had already been established, and a power of sale and taxation of an article that might be described as "a curious delicacy", and not an Irish Industry. Strafford looked round for a Patentee who would manage this business at "a profit to the King".

A kinsman of the Duke of Buckingham tendered for this contract, but the terms were rejected.[2] In the meanwhile the Privy Council in London had monopolised the whole tobacco trade, the projector being Lord Goring, Lord Cork's Son-in-law.[3] Whether this monopoly was a good or a bad bargain is not to the point, but the purport of it was that all tobacco had to be landed at London, there to pass through the hands of the patentee, who was to be

1) T. C. D. F. 3. 16. 2) L. L. VI—496, 497. VII. 341, 400. 3) L. S. II—181; Portland M. S. S. III—68.

responsible for its quality, and dole it out with an eye to prices, so that "the price should not be too much enhanced or the market glutted". In this case the importation of tobacco is a far more complicated business than at first appears, as there was an almost prohibitive tariff on importations from the French and Spanish colonies.[1] It was therefore a business, which apart from internal prices and merchants' interests, required special attention.

This monopoly in England was bound to have serious affects on Ireland. That all tobacco had first to pass through London meant not only injury to the Irish Importer, and a higher price to the Irish Consumer, but also effected the trade of Ireland direct with the Colonies. As the attraction of foreign shipping into Irish ports was one of Strafford's, pet projects, this monopoly was not to his liking. Accordingly he submitted to the King a proposal that the Irish rival monopoly be developed so that the Irish Tobacco trade should be increased and the Irish revenue augmented. The difficulty however was to get a projector to take it on terms favourable to the revenue. As far back as 1633 he had been approached for a long lease of £ 5.000 a year, which, at that time, he considered a fair bargain, but could not get it ratified.[2] In 1635 the offer was renewed again, but he refused it on the question of the length of the lease, which he held should be a short one, in view of the rapid strides Ireland was making in purchasing power. For the present he confined his operations to admitting tobacco by licence.[3]

That the interests of the consumer in Ireland required some protection is obvious when we find certain tobacco importers complaining at Strafford's trial that his subsequent action reduced the price from 1/2 per lb. to 9d, it having been actually 1/6 in 1628.[3] It is obvious, partly through importation via England, and partly through the trade being in a few hands that the price was unnecessarily high in Ireland. In 1637 Strafford determined to start a tobacco importation on a large scale. He took up the monopoly himself. The terms were that he was to pay the Treasury £ 5.000 a year, the Customs duty of 1/6, and the impost of 6d. He was to have the sole right of importation, a right which he only exercised

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1) Dom. 1631—597. 2) L. S. I—192. 3) L. S. I—424. 4) C. S. P. 1628—311; R. P. VIII—403, 404.

in so far as to fix Kinsale as the port, holding "any man that will pay custom and imposition may bring in what tobacco he pleases".[1] At the end of five years his payment was to increase to £ 10.000, but all the duty he was to pay then was 3d impost. It is very difficult to see what gain he could have made out of this, save by a huge importation, depending on a huge consumption, and a careful organisation of the business. When he was in England he had promised the King to raise £ 8.000 a year by "the peremption and licences of tobacco",[2] and one has a hazy idea that he tried to make good his promise by this very risky experiment, "I right well know he told the King, "the prejudice these undertakings cost me. If the business succeed not, they will to your Majesty laugh at my forwardness, folly, and loss. If there chance to be a profit by it, they will publish me for an imposter, a deceiver of your Majesty, a server of myself. If any other will now give and secure this rent, I will, with all my heart, assign the whole forthwith unto them with many thanks. I have no such belief in the bargain as to be much in love with it, nor would ever have thought of it, if my former opinion to your Majesty had not engaged and provoked me thereto." [3] This was certainly a more desirable policy than that of a certain Sir William Lewis who proposed to pay a sum for the sole right of licensing publicans to sell tobacco.[4]

This monopoly caused the greatest uproar. It constituted the 12th article of his indictment, and was pursued with far more zeal than any one of the other articles. The groups that dominated the Irish House of Commons seem to have been really angry over this. It was clearly not a case of political "window-dressing" but downright anger. The Remonstrance accused him of "uttering tobacco at high rates" so that "thousands of families in Ireland and the Colonies were utterly destroyed".[5] His stores were seized. His officials were rushed into prison. His tobacco was sold to favoured persons at cheap rates. Even a Royal letter could not procure an account from the indignant Commons.[6]

On the facts that emerged at his trial the vendetta is inexplicable. So far from "thousands being ruined in the Colonies", the Irish purchases of tobacco were larger than they had ever been

1) R. P. VIII—412. 2) L. S. II—9. 3) L. S. II—135. 4) C. S. P. 1637—163. 5) R. P. VIII—12. 5) R. P. VIII—411, 412.

before, and larger too than those of England.[1] So far from "thousands being ruined in Ireland" the price of tobacco to the consumer fell fifty per cent. Nor were the existing importers embarrassed to any great degree. All tobacco already on their hands was made vendible by a Royal stamp.[2] They could still continue to import, provided they paid the original licence which they had ever paid, and for the exemption from which Strafford paid £ 5.000 a year, and the duty which he also had to pay. The only restriction was that they had to land the tobacco at Kinsale, where the tobacco office was stationed, and the only advantage Strafford possessed was, that he compounded for the licences by a large rent. On the facts as they stand the indignation is mysterious.[3]

There were, of course, certain attendant circumstances. Smugglers of tobacco had been chased and harried, and smugglers were sometimes men of importance.[4] Monopolists were unpopular in England, and to concentrate the odium of this name on Strafford was excellent political business. The Goring group, closely allied to the Earl of Cork and his business reticulations, could not but be righteously indignant over Strafford, first exempting the Irish trade from their English farm, and then procuring the reorganization of that farm. Even these interests do not explain the furore over a farm that increased the revenue without increasing the taxation, while lowering the cost of the article to the subject.

The cause lay much deeper. If we except Galway, there was no export trade abroad. The Corporation magnates never "adventured". A few transacted business with London by Bills of Exchange at the exorbitant commission of 20 per cent. The result was a serious scarcity of coin, so serious that the defalcations in rent, and the difficulty in collecting subsidies arose chiefly from this cause. In the case of the Galway merchants matters were worse. They received Spanish coin for their wares. The West India Company were particularly anxious to procure this coin. The Galway "adventurers" passed it direct to London at a premium on the Exchange, and the net result of the creation of that Company was to provide an outlet for the Spanish coin, on which Ireland had hithertoo depended. With Spanish coin thus "engrossed" and

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1) T. C. D. F. 3. 15. 2) B. L.—38. 3) R. P. VIII—402, 415. 4) R. C. p. 197; T. C. D. F. 3. 15.

all trade with England conducted on a ruinous basis of exorbitant Bills of Exchange, there was the utmost difficulty in paying rents, wages, taxes, and those other incidents which necessitate specie.[1] So serious was this evil that Strafford insisted on all payments to London being made by orders on the Dublin Treasury, payable in kind—orders for goods on Irish Exporters—and he flatly refused to allow a Royal loan to be raised in Dublin, for fear of diminishing the scanty supply of specie.[2] "There is no thought" said he "of fetching money forth of this Kingdom, save by Bills of Exchange, and that in small parcels".[3]

All that could be done was to prohibit as far, as the law could operate, the export of coin. Radcliffe, however, said in 1641 that the greater Lords carried much with them on their excursions to London.[4] A statute was also passed making it a penal offence for both parties to touch a Bill of Exchange, in which the commission was over 10 %.[5]

These, however, were but administrative Acts of little direct value. The real solution was the development of a foreign trade in directions where Bills of Exchange were rare, or, at any rate, not controlled by a special group. The two statutes protecting the fisheries were part of this policy.[6] The Irish fisheries of that time were of considerable value, having been scarcely tapped for generations.[7] There was no statute to restrain destruction of the spawn in the rivers till Strafford's first Parliament. The pirates were the great bete noir of the Irish fisherman. Suffice it to say that Strafford's management of the Bann, and his pursuit of the pirates remedied this to some degree, and gave some scope to what Strafford one time called "our chief business here".[8] He himself one time exported from Kerry a cargo value £ 2.210, amongst which were 24.000 hack fish and six hogsheads of salmon.[9] He tried his best to encourage the trade with Spain, and always kept on good terms with the Ambassador for that purpose. On one occasion he sent a ship and factors to the Duke of Medina to "begin and settle a trade of linen cloths", hoping that "this beginning may remain

1) T. C. D. F. 3. 16. 2) L. S. II—96, 206. 3) L. S. II—398. 4) T. C. D. F. 3. 15. 5) Act. 10. Carl. I. Sess. 2. Cap. 22. 6) Act. I. Sess. 2. Car. Cap. 24; Sess. 3. Cap. 14. 7) T. C. D. F. 3. 16. 8) L. S. I—108. 9) L. S. I—110.

after me a monument of the honour and good affection I always profess for the Spanish nation".[1]

This tobacco business, however, was a far greater affair. In three years he imported from the Indies, tobacco to the value of £ 80.000, about half a million of our money.[2] The vessels so arriving returned with food stuffs. This constituted a diversion of trade from the usual channel. What was more the port of the call was Kinsale. When coin was not employed, the Bills of Exchange were passed through Strafford's agents, Little and Carpenter. Hithertoo, when we except the Galway trade, the greater part of the exports and imports passed to London on Bills of Exchange, negotiated by some dozen men, whom no student of the Lismore Papers cannot but help noticing in the great financial operations of the Earl of Cork. No less than five of these were in the Parliament of 1640.

The tobacco business, accordingly, with its creation of an export trade in the South, and a Bill discounting agency at Kinsale, struck very hard at the Dublin monopoly of burgess-brokers, with those very curious ramifications of mortgages and loans, that always dominate local politics in a narrow community. Add to this that the state monopoly undersold the existing importers of tobacco, who had hithertoo bought it from Goring's monopoly in London, and we have, added to that great hostile caucus of Undertakers. Impropriators, Priests, Connaught Lords, and great Corporations, the most effective and insinuating interest in politics, the merchants of the Exchange, and the money-changers of the Capital.

It is just possible too that the smuggling interest had a grievance on the matter. Several were fined at the Council table by Strafford. The enormous "stealths of tobacco" into the Ulster ports, made by enterprising Scotchmen, formed the basis of one of Radcliffe's outbursts of inquisitional efficiency.[3] When Lord Middlesex held the tobacco farm it yielded him only £ 200 a year.[4] When Strafford collected the duties, they brought in £ 2.000 a year.[5] From this we may deduce that originally the evasions of the tobacco tax were enormous.

This affair formed the basis of the 12th article of his indict-

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1) L. S. II—109. 2) R. P. VIII—651. 3) R. C.—197. 4) L. S. II—133. 5) R. P. VIII—25.

ment. At first sight the case for the prosecution looked good. A proclamation against the importation of tobacco, men fined for disobeying this proclamation, ships forbidden to land tobacco at the ports, honest merchants reduced to selling their wares at a reduction, the Deputy underselling the subject, depending on a proclamation he issued, in possession of a lease exempting him from the ordinary duty, and lastly a witness produced to calculate that, if the same amount of tobacco was brought in at the other ports as at Kinsale, his profit must have been £ 100.000.

The case collapsed after a little probing, The Proclamation had been signed by the Council, passed by the Privy Council, warranted by the King, and endorsed by a resolution of the House of Commons, who had suggested the heads of a Bill on the same lines, which Bill, having passed both Councils, was now on the Agenda of the House of Commons. To make "treason" out of this proclamation was difficult, especially when there was a similar proclamation in force in England at that moment. The men who were prosecuted were smugglers. No tobacco ship was forbidden to land at Kinsale, provided it paid the existing duty. The fall in price was due to the large importation. Strafford had no exemption from duties for another three years, and even them his partial exemption was counterbalanced by a doubled rent. There was only one port of landing. The import therein was less than 200 ton. As Radcliffe put it "no body has lost money on tobacco in Ireland or the Western Isles, except those who tried to intervent the King's profit and evade the customs".[1] He might however have added that he himself and Strafford so far from making a profit of £ 100.000, had spent £ 86.600, and only received £ 80.000, being thus out of pocket £ 6.000.

This last exposure led to a scene. Strafford defied his opponents to produce his accounts and read them out in Court, when it would be plain how untrue was the assertion that he had made a fortune out of a monopoly of his own making. This challenge he accompanied with bitter comments on the action of the Irish Parliament in arresting Carpenter and Little, seizing his goods, and hiding away the accounts which were the crowning proof of his statement. Whitelocke indignantly appealed for justice against

1) T. C. D. F 3. 15.

"an aspersion on the whole of Ireland" Clotworthy 'besought that we might be set right in their opinion." Glynn appealed to the House to "be sensible of the honour of the Parliament of Ireland" and called these comments "a blast, an aspersion and an ill affection on a Parliament". Thus with forensic blasts they smothered up their defeat on this mare's nest, and passed on to another article.[1]

All this tobacco affair revealed Strafford's economic administration at its best. The revenue of the old Monopoly, which was £ 30 a year, was increased to £ 7.000. The legitimate rights of no trader were diminished, save insomuch that the importers were confined to one port. The price of tobacco, which with the duty, came close to 3/6 a pound was reduced to 2/4. An Irish port was made the direct port of call for the trade of the West Indies. If it was a paying monopoly, it was a paying monopoly to the State and the Country. "At the worst" said Strafford "it is but a monopoly and a monopoly of the best condition, because it was begun by a Parliament. I have seen many monopolies questioned in Parliament and many overthrown in Parliament, but I never heard a monopoly charged for a treason".[2]

In the Irish State papers there are two very gloomy entries on this subject, penned by those who were trying to carry on the Irish Government after the debacle. "If the contract for tobacco is called in the King will lose £ 5000 a year, and later £ 10.000." This is followed by a piteous wail. "The Customs are dropping fast for need of a strong system of supervision. Tobacco is smuggled. The duty brings in very little. The Parliament wishes to reduce it to sixpence".[3]

Another of Strafford's undertakings was a State control of the importation of salt, which before this had been left in private hands with disastrous results to the Irish fishing. Taylor, who was Strafford's agent in his efforts to develop Irish overseas trade, urged him strongly to foster the importation of salt, as the Spaniards were very eager to purchase Irish fish. 'Some years", he wrote, "they (the Irish) have wanted salt and have been forced therefore to cast much fish away. By this means it will be certainly furished and may be at a better rate than now they are".[4] That Taylor was not far wrong in his estimate of the disastrous consequences of a

1) R. P. VIII 402—415. 2) R. P. VIII—652. 4) C. S. P. 1641.—267, 299. 4) L. S. I—96.

mere casual salt importation is shown by a petition written some years before, in which the writer states that "the siege of Rochelle bred such a price for salt that many of the fishermen became beggars".[1]

This subject of salt is of more than casual interest. It involves a curious side light on Strafford's character, and also on his financial and political methods. At the moment when this subject was under discussion, he penned a proposal to make the importation of salt a matter of State, and surged it for the following reason. "All wisdom advises us to keep this Kingdom as much subordinate and dependent upon England as is possible and by enforcing them to take their salt from the King, being that which preserves and gives value to all their other native staple commodities. How can they then depart from us without nakedness and beggary"? Every essayist on Strafford, from all time, has quoted this sentence as the basis of some theory, by which it is sought to prove that he was an enthusiast on the exploitation of the Irish subject by the less desirable interests in England. In the innumerable letters penned by Strafford this base philosophy only once again emerges. It was when he was seeking to induce the Council to allow a free exportation of Irish wool. On that occasion he was voicing the unanimous desire of rural Ireland, the unanimous wish of the House of Commons, and seeking to convince the English Council that all wisdom did not lie in an embargo to protect the English wool growers, or an Irish exportation farmed out only to "particular persons". This historic and of quoted sentence is so unlike his other sentiments, and his repeated acts, that there must be some other explanation than Imperial insolence. How can it square with his frequent letters to the King that his ambition was "Ireland and England both ministering to your sovereignty" and "that too with the contentment of the Irish subject".

At this moment the danger—the real danger—was that the Irish salt trade might be monopolised by some "idle projector", not only unwilling to, but incapable of providing the fishermen with salt. As a matter of fact such a proposal was in the air, and none of the rival projectors seem to have considered that neither England nor Ireland could produce enough salt for the Irish fisheries.

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1) C. S. P. 1629—145.

All the projects aimed at forbidding Ireland to buy cheap foreign salt. One projector of the name of Murford carried the Privy Council so far that they forbade Strafford to interefere, and "not to meddle with this business, but in this way".[1] On his heels came treading Sir Richard Brooke, who claimed that he had first thought of this idea, and, after him, came the ship owners clamouring loudly at the idea of an embargo on foreign salt.[2] So much for those who wished the Irish fisherfolk to buy none but English salt. There were others however on the horizon. A man called Edmund Lascelles wrote a letter thanking an unknown Lord for some "undeserved favours". That letter is extant. There is strong internal evidence from a reference at the end to some lands in which Arundel was interested that this letter is addressed to Arundel, the Earl Marshall. To show his "gratitude" the writer gives him advice how to procure these ancestral lands, and ends with a description of his salt factory, "having peat near the work", with an underlying suggestion that there was money also in this.[3] These were the elements at work.

Strafford was obviously furious. He appealed to the King and urged him to make salt a matter of State and not of monopoly. "Your Majesty sole merchant of all salts" is his advice.[4] To Portland he wrote officially. It was impossible for the patentees to furnish Ireland with salt "by reason of this scarceness and dearness of fuel. To go through the work with peat is a mockery, there being not one summer which brings drought". Salt must be "furnished out of France and Spain." The second reason was that of State, and included the sentence that is so often quoted, but the real significance of the sentence was "to take their salt from the King" and not from any private person. The third reason was the difficulty in smuggling salt, making it an ideal subject for a State monopoly, "witness the gabelles of France" and the fourth was revenue. This was Strafford's counter proposal to the three suggestions that the Irish fishing trade was to be ruined to make dividends for private persons.[5] No firm, English or Irish, could manufacture salt in sufficient quantities. In 1614 within six months no less than 6.394, barrels of salt entered Wexford.[6] What

1) Dom. 1635.—44. 2) Dom. 1635.—45. 3) C. S. P. 1625—1660. pp. 269. 270. 4) L. S. I—93. 5) L. S. I—192, 193. 6) H. V. C. VIII—192.

Irish or English factory could replace this? The fishing trade of Ireland would have vanished, but before it did so these "projectors" would have made a fortune. This is the meaning of Strafford's tirade, the secret of that argument, that "reason of State" he laid before the King and the Privy Council, as to why this scandalous proposal should be rejected.

There is yet more to come. That reference to "peat" and "drought", and "not one summer in ten", in fact the whole phraseology of the dispatch, shows that it was not English monopolist but an Irish monopolist at whom he was hitting. There is among the State Papers a whole scheme for erecting a series of factories, whose headquarters were at Bandon, so worded, so arranged, as to seem exactly like the scheme Strafford was denouncing. It is a signet letter drafted and passed in London, and obviously "stayed" by the Deputy in Dublin. The Chairman of the Company was the identical Sir Richard Brooke, who was competing with Murford. The town was the possession of the Earl of Cork, and theDirectors were his tenants. The whole scheme was an effort on the part of a combine of Bandon Merchants allied to Cork, working with some English Merchants, all operating through men-of-straw, to make fortunes out of the exploitation of the poorest of His Majesty's subjects.[1] It failed. A monopoly was created in England of a different nature, not including Ireland, and vested in Sir John Culpepper.[2] Strafford's appeal to the King and his violent tirade averted that debacle of an embargo on foreign salt. His counter proposal of a state importation in enormous quantities never eventuated. His proposal was to sell salt at 12/-s a barrel, which would leave a profit of 2/-s to the revenue, "without any man being sensible of it". This would yield a revenue of £ 6.000 a year.[3] That this was a moderate price is shown from a complaint in another hand that the Dutch importers "had run up the price from 12/-s to 14/-s a barrel".[4] At a later date he was still meditating this great undertaking, but the war intervened, and other things happened.

Strafford's services to the fishing trade were immense. He swept the pirates off the seas. He passed an act enabling fishermen to use the foreshores for drying their nets without prosecution.

1) C. S. P. 1625—1669.—105. C. P. I—158. 2) Dom. 1636.—360; L. S. I—333. 3) L. S. I—193. 4) Egmont. M. S. S. I—72.

He passed another enabling "Candors" to use the hills to watch the movement of shoals. [1] He protected the Kinsale fishermen from the "exactions" of the local Mayor. [2] He staved off these Monopolists. In 1641 the exports were as follows.

Herrings. Barrels	23.311
Salmon „	526
Pilchards tons.	1.263
Hake cwt.	830
Train Oil. tons.	96.[3]

In the rebellion the trade almost vanished. When a tax on salt was proposed after the Restoration, Fishing is not included in the list of industries likely to be affected. [4]

The history of the Customs is long and wearisome, but the salient facts reveal the great difficulties that beset an energetic Statesman.

In default of a staff of revenue officials—at this period Government Departments were in embryo—the practice had been to farm the remnants of the Customs out to small syndicates. In Ireland for the obvious reason that Customs were of such importance in high politics, one of the directors of the syndicate was always the Viceroy, who acted as a kind of liaison between the State and the projectors. Chichester and Falkland had both been members of the farm, and so also had the Earl of Cork, when he was Lord Justice. Other Ministers such as Ranelagh and Mountmorris were also farmers. At the end of the twenties this farm was becoming less remunerative. The tangle of minor farms, corporation rights, and administrative difficulties had so embarrassed the collection that, in the seven years up to 1630, the farmers had only a dividend of £ 3.000, and that due to a lucky windfall. The syndicate, who were holding the farm on a yearly lease, grew frightened, and declined to renew, unless the rent was reduced by £ 1.000. The Earl of Cork, however, thought business could still be done, and he tried to get Lord Loftus and others to take the lease at the old rent, but they flatly refused. Strafford, however, had a firm belief in the prospects of the Customs, and, after canvassing some merchants, got together a syndicate who actually

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1) Acts of the Irish Parliament. Dublin. 1636. 2) Book of Kinsale. Caulfield. p. XXXVIII. 3) C. S. P. 1669—59. 4) O'Brien. Economic History. p. 193.

offered a fine of £ 8.000, and a rent of £ 15.500, which, apart from the fine, was an increase of £ 1.350. When Portland heard of this contract he was astounded, not only at the rise in the offer, but at the fact that Strafford did not take on the original contract himself, and sublet to the syndicate, pocketing the difference, after the well-known methods of the period. Suddenly however one of the financial pillars of the Company died, and the difficulty now was to get together a body of men who would take it at the old rate. Portland approached Strafford but he refused, fearing that if he made a profit on the transaction, all manner of accusations would be poured on his unoffending head. Portland then appealed to the King and the Council, who instructed him to approach Strafford again. Portland this time told Strafford that it did not become him, when every Viceroy had shared in the Customs, and risked his capital in the business, to refuse to take it up, and to try to shift the burden on to other shoulders. In fact Portland was "very hot". In the end Strafford gave way and induced Ingram, Mountmorris, and Radcliffe to assist him, Mountmorris having flatly declined to come in till he knew the Deputy would be a director, and Radcliffe having to be guaranteed by Strafford against a possible loss.[1]

To a certain degree, however, the fact that Strafford was a shareholder in the Customs laid him open to the charge of being financially interested in their welfare. We may be sure that men, who grudged paying their duties, were not slow to comment on the fact that a portion of what was paid went into his pocket. The fact that he was out of pocket for a part of the heavy fine, that his share was very small, and that no small part of the yield went into the Exchequer was also, we may be sure, equally forgotten.

Suffice it is to say that this farm of the Customs was responsible for the most deadly attack ever made upon his Government, the same figures lurking in the back ground, as skirmished in the rear of the prosecution at his trial.

The agents in this affair are worthy of note. The first was a Glasgow Scotchman of the name of Barr, who acted as manager of some iron works belonging to Lord Wilmot.[2] Lord Wilmot

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1) C. S. P. 1625—1649.—39—41; R. P. VIII—247—9. 2) L. S. I—89.

had been prosecuted for selling the Crown lands of the Castle of Athlone, and had narrowly escaped another prosecution for drawing the pay of a troop that did not exist.[1] This man Barr was one of "mean quality". He was not of the type one associates with the high politics of the period. His estate was a small one near Glasgow.[2] Strafford one time described him as one that "pretends to be a merchant, but indeed is scarce so good as a petty chap man. Few indeed that know him will lend him five pounds, being as needy in his fortune, as shifting in his habitation, and that for none of his good qualities."[3] This is indeed a curious man to find in possession of a signet letter empowering him to travell through the three kingdoms at his pleasure, a privilege no peer of the realm had at that period.[4] At a later stage he was found to be acting as agent for the Marquis of Hamilton in an effort to get possession of the Londonderry Plantation. Subsequently he signed the Covenant and fled to Scotland. Just before his departure he was communicating with Sir James Galloway, a member of the Scotch Council, and Murray one of the King's household officials, about whom more anon.[5] One is forced to the conclusion that this man was but a man of straw for others who were loathe to reveal themselves, till the farm of the Irish Customs was once more on the political market.

The next gentleman to appear was Sir James Galloway, who like Barr, was scarcely visible in any political transaction. The son of a Scotch clergyman, he seems to have held some official position in the Scotch Government. In the State Papers petitions were referred to him, along with others. In 1644 when the King had been reconciled to the Marquis of Hamilton, Galloway was created Lord Dunkeld.[6] At this period all the high officials of Scotland, who were not Bishops, were of the Hamilton Party. It should be remembered that Hamilton was the greatest financial projector of the period. His monopolies were legion, and Conway one time warned Strafford that he was "a man not to be trusted further than his own profit."[7] His financial, territorial and dynastic ambitions percolate through nearly every political incident of the period. With a mind of Italian subtlety, a skill in intrigue which

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1) L. S. I—402. 2) Dom. 1638—11. 3) L. S. II—107. 4) Dom. 1635—171. 5) Dom. 1638—11. 6) Dict. of National Biography. 7) L. S. II—125.

is astounding to the student of that period, he just missed leaving his mark deep on the history of these years through being deficient in what, for lack of a better word, we call character. Compared with Strafford, Laud, Falkland and Cromwell, he was but a shuffling trickster. His pecuniary ambitions reduced him to a lower grade than that reached by the other great figures of the period.

Murray, one of the grooms of the King's Bed Chamber, appeared also as an active participant in this affair. He was one of the greatest of the "idle projectors", usually acting with Endymion Porter in the many financial proposals for control of some Irish undertaking. At a later stage when the Scotch business had resulted in a war, Murray blossomed out as a kind of ambassador, going backwards and forwards between the two camps in the interests of both, in some mysterious capacity of a persona grata and an expectant recipient from both parties.[1] When Charles retired to Scotland he appeared as a Hamiltonian enthusiast, and, on that Monarch's death, he transferred his activities to Paris, where he represented the Argyle party at the exiled Court of Charles II, the Argyles being, at the same moment, enthusiastic Republicans in Scotland.

Amongst the Irishmen who joined in this foray was a Mr. D'Arcy a lawyer, who represented the indignant Connaught Lords, irate at the idea of a Plantation, and anxious to put a spoke in Strafford's wheel over this matter of the Customs farm. When the Galway landlords sent a petition over to the King, D'Arcy was one of the three petitioners. Lord Holland induced the King to allow D'Arcy to remain in England, as he had a financial proposal to make, which proposal being made caused a crisis. D'Arcy later sprang into fame as one of the leading lights in the opposition to the Government in the Parliament of 1640, and was largely instrumental in carrying the petition to the English Parliament to indict Strafford for his Irish Policy.

Behind these men lay a group of financial projectors and political partizans of all nationalities, chiefly Scotch, watching covetously the steady increase in the once despised farm of the Customs, which, despite a heavy fine and an increased rent, was

1) Dom. 1639—320.

bringing in to its managers a steady income and had yet a few years to run. In March 7th 1635, Barr tendered a proposal to the King to call in the lease and let it to him for an extra £ 1.000 a year rent, he, if Strafford is to be believed, being not worth five pounds in the eyes of a bill—discounter.[1] No one knew better than Strafford that, as things were now, it would not do to stand on the strict letter of the Customs lease. Conditions had completely changed, and though, in equity and in law, the farmers, who took the lease at a risky rent and had done much to make the business profitable, might surely be entitled to enjoy the fat as well as the lean years, still the King could not be expected to allow a large portion of the revenue to go into private pockets, even though half the men who were muttering over this lease were "projectors" on a vast and destructive scale. Accordingly he wrote to the King, simply asking that the boom in trade and his own energies be "not objected against us as a crime, or the profits of a few years judged much, where the uncertainty is so great".[2] The King promised that nothing would be done in the matter till Strafford was first consulted. Laud, however, strongly recommended Strafford to recede from the contract as it stood. There were so many projectors at Court, offering such large sums for the Customs, now that it was profitable, that a man who stood upon the strict letter of his bond and demanded his dividend would be sure to meet with disaster.[3] In the meantime Barr had returned to Ireland, and had told all and sundry that he was authorised by the Powers that be to inquire into Irish finances. Wilmot, who was at that moment undergoing a harrying from Strafford over the sale of the Athlone lands, complained at Court that the cause of his prosecution was the assistance he had given Barr, a blazing indiscretion which only drew from Strafford the comment that the prosecution was begun six months before Barr's tender was even mentioned.[4]

The next man to move was Lord Mountmorris, who was one of the farmers himself. He laid a paper before the King, in which he made a most unscrupulous use of the figures at his disposal. They were as follows.

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1) L. L. VII—118. 2) L. S. I—422. 3) L. L. VII—118, 142, 217. 4) L. S. I—423.

Clear Profits to the Farmers.

1632—3.	£ 4,951
1633—4.	£ 8,373
1634—5.	£ 20,019 [1]

As, in the last year, the total Customs receipts were a little less than £ 30.000 these figures meant nothing more or less than that two-thirds of the profits were passing into the hands of half dozen men. [2] Court rumour got hold of this and "whispered" a profit of £ 40.000. [3] Mountmorris had simply omitted all the rents and administration charges. The facts were really as follows:

Receipts	29,000	Expenditure	
		Duchess of Buckingham's Charge . .	£ 2,000
		Interest on fine of 8,000	800
		Administration Rent .	15,000
			20,800

This leaves a profit of about £ 9.000, £ 2.800 of which went to Radcliffe and Strafford. Between this and Mountmorris' figures there was a big difference. These figures, abstracted from the State Papers, the Strafford Correspondence, and the proceedings at the trial approximate to within a few hundreds to the accounts in the private dossier of Sir Arthur Ingram, where the profit in the last year reached £ 9.759. [4]

Mountmorris' detailed account was accompanied by a proposal, signed by Sir James Galloway. This precious pair, having stated that the profits were £ 30.000 offered to take the Customs over for a rent of £ 21.500, making, according to their own showing, a profit of £ 8.500, the fine of the original farmers, paid for a lease of 11 years, being scrapped. Not content, however, with this profit, which was in or about the same as that of the old Company, they demanded also "a reasonable augmentation of one only particular duty". In other words they intended to make good the increase in their rent by putting a duty on some commodity, whose name they were careful not to put on paper. [5] They were also, of course, to

1) C. P. I—362. 2) L. S. II—422. 3) C. T. I—247. 4) H. V. C. VIII —194—195. 5) C. P. I—361.

reap the fruits of the three years of Radcliffe's unremitting toil for another 15 years.

This is dated January 2. 1636. It was in the previous December that Mountmorris had been cashiered from the army for unsubordination, and dismissed from the post of Vice-Treasurer for what Coke called "exactions and corruptions".[1] Strafford regarded Mountmorris' letter as an effort "to save himself" and nothing more, but his London agent Raylton was firmly convinced that there were others behind it. Suffice is to say that the whole matter was postponed till Strafford's arrival in London. In the meantime however, another gentleman had arrived on the scene. This was D'Arcy the Galway agent, who had a powerful backing at Court. One has an impression that the great object behind these movements was to get the Customs farm recast, while Strafford was in Ireland. Though D'Arcy was no doubt acting with these elements, it is obvious that, what he desired most was to represent Strafford as "a cozener of the Customs", and, on his disgrace, to alter the Plantation of Connaught into a grant of all that Province to the Lords for a sum of money, they could subsequently extract from their tenants. Suffice is to say that it was Lord Holland, who urged the King to let D'Arcy stay in London and present his petition, and Wilmot who duly presented it. Windebanke seems to have also played a part in the matter.[2] On the surface D'Arcy's petition seemed a fair proposal. It was that the Customs should become a State affair, and be no longer farmed out. This, as we know, was Strafford's intention, when the lease fell in, as it would do in 1642.[3] Given some reasonable compensation for the fine, and for the trouble incurred by men, who had taken over a bankrupt institution and made it into a paying proposition, the policy was reasonable. D'Arcy's proposal, however, was based on the theory that the whole farm should be confiscated for misconduct on the part of the farmers. One glowing sentence shows that D'Arcy had been whispering in corners with Mountmorris and Galloway. "The profit made by the farmers for the year ending 1635 was, as his Majesty is informed by a knowing person, 20.000 and odd pounds." The rest of the essay consists in a long dissertation on the need for appointing "persons of trust"

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1) L. S. I—513. 2) C. P. I—61. 3) C. S. P. 1625—60.—239.

and "responsible persons" to take over the Customs, from such undesirable persons as Strafford. It is not so much what the petition says as what it insinuates that made it so deadly. The underlying insinuation was that the taxes that were collected passed into wrong hands, and that the accounts were being falsified. The petition closes with, amongst other suggested improvements in Irish finance, the proposal that the Connaught landlords should get a title to all Connaught for a consideraction.[1] The attack however was overdone and clumsily conceived. The King when he encouraged D'Arcy and Barr—Barr was more cautious—to make proposals to him had never anticipated being the recipient of missives like this. "He that stays" he had written to Strafford "pretends things connected with my service, all of which, as soon as I can make ready, I will send to you to examine, and if they be good, you to have the honour in the performance of them. If not to punish the fellow for his boldness in these and other faults".[2] Charles obviously only expected some bona fide financial scheme that Strafford was to execute. Later he wrote "I must tell you it is good service to me not to be frightened at false alarms. Therefore I am glad to see that you despise them. It is true that there be two propositions made to me concerning the Customs of Ireland, the one by Barr, the other by D'Arcy. But to me not so much as a whisper against you, but merely, pretending my profit both which as soon as I can get in writing I shall send to you."[3] What happened does not transpire. The following passages, however, show that one of Charles' too rare outbursts of wrath must have fallen on the heads of all and sundry. Windebanke had to bear the brunt. "That which I then presumed," he wrote to the King, "to represent to your Majesty I had taken before in writing from D'Arcy's own mouth, yet, according to your Majesty's commandment, I have required him to set it down himself. I am infinitely afflicted that anything hath fallen from my pen to your Majesty's dislike, and do in all humility crave your Majesty's pardon that I took the boldness to make known the poor man's apprehension . . . . The staying of D'Arcy here was not my original moving. Others presented to your Majesty sundry papers of D'Arcy, promising great services which came to nothing."[4]

1) C.P.I—439,442. 2) L.S.I—509. 3) L.S.I—512. 4) C.P.I—446,542.

On Strafford's arrival in London the whole business was reopened, and debated in the Council. The end was that five-eighths of the farm was brought in for the State, Strafford paid the other partners back their share of the fine, and he and Radcliffe retained their three-eighths. The phrase "the conclusion is myself and Radcliffe preserved, and to have the managing of the farms to all intents and purposes as formerly", looks as if three-eighths was their original share.[1] It was scarcely a fair compensation, working out at about two years' purchase of the profits. There is evidence that Strafford regarded the compensation to his partners as inadequate.[2] The fact, however, that they had taken no part in the management of the Customs, acting only as gourantors and dividend drawing members of the syndicate, may probably have influenced the Privy Council.

One would have thought that even now the arrangement would have been above reproach. None of the criticisms that were directed against this farm were levelled at the principle of farming, save D'Arcy's general thesis. Even Galloway formed the Scotch Steel manufacture.[3] The tenour of the criticisms were, not that it was a farm, but a corrupt and mismanaged farm. The fact that Radcliffe and Strafford were now paying for a three-eighths share a similar rent to what they and the other shareholders had originally paid, meant a very good bargain for the Crown, as the farmers had to pay all the costs of administration, a heavy rent, and were still out of pocket for their fine.

Barr however returned to the charge. A paper was laid before the King, in which no mention was made of the fact that five-eighths of the Customs profits went into the Exchequer, and no allowance made for the interest on the fine.[4] Barr had blundered into a sorry mare's nest. These five-eighths, which went into the Exchequer, were held in trust for the Irish Treasury by the Vice Treasurer and the Lord Chief Baron.[5] Barr, who obviously knew very little about the matter, jumped to the conclusion that these two officials were either monopolists, or men of straw for Strafford. "I see closely some desperate enemies you have" was Laud's comment.[6] The King ordered the document to be sent to Strafford,

1) L. S. II—21, 134. 2) L. S. II—34. 3) Acts of the Scotch Privy Council. 1633—5. p. XVII. 4) L. L. VII—411. 5) L. S. II—21. 6) L. L. VII—420.

but Windebanke tried to get it examined and judged and decided on in the Privy Council in Strafford's absence, and before Strafford had replied. Laud however blocked all discussion, as the case, at any rate, was subjudice till Strafford's reply was received.[1]

Strafford's two replies were crushing. The yield of the Customs was £ 40.000. The profit to the State was £ 29.000. Out of the balance of £ 11.000 Strafford had to pay a charge to the Duchess of Buckingham, the interest on the fine to the State, and the cost of administration, leaving his profit at £ 6.000. Few modern revenue offices keep their cost of collection, salaries and charges at but a quarter of the yield of the taxes. When we remember that the Customs were on the verge of bankruptcy in 1630 this was indeed a transformation, and in 1641 the lease was to fall in, and the State was to reap the benefit of these activities. As for Strafford's profit when Laud asked the King, seeing it was in accordance, with the recent contract, would he allow it, the King replied "Yea, God forbid else." [2]

The whole incident drew from Strafford one purpureus pannus of scorn and pride and vitriol and wrath. "They say that I grow monstrous rich. Have I in the least falsified or neglected the trusts of my most sacred Master? Have I corruptly or oppressively taken from his people? Have I been a burden to his coffers more than for those his princely entertainments which others have before had, and others must again have after me in these places? Have I lived meanly below that which I owe to the honour of His Majesty and the dignity of the place I exercise? If so let them show wherein, I defy them every mother's son. Well then, thus I am become rich, able I hope in some resonable time, I praise God and His Majesty, to pay every man his own. Was I not in some measure so before I had the honour to serve his Majesty? Or shall it be a crime in me, which they so heartily desire themselves, nay perchance in their grudging souls, lay it already as a grievous fault upon His Majesty, that he hath not made them so likewise, or can it be other than pleasing to any gracious, noble or generous Master that his honest and faithful servants grow rich under him? I confess I am so great a lover myself to have my servants thrive, as I believe all others likeminded, and yet I vow, in all truth, that

1) C. P. II—5. 2) L. S. II—106.

I am not £ 13.000 bettered in my state since I first received my Master's pay, being now become 9 years, which considering £ 6.000 a year good land I brought along with me, is in my weak opinion, no prodigious getting or convincing argument of my covetousness."[1]

A convincing proof of the purity of his administration is the attitude, already described, which he adopted towards the proposal to increase the Customs Rates. If those rates had been increased three-eighths of the profits would have gone to him. The fact that he balked the proposal shows how impartially he held the balance between his duty as Viceroy, and his profits as farmer of the Customs. On another occasion a pirate smuggler was captured. As a captured pirate the ship was the possession of the King's, and the proceeds of its sale went direct into the Exchequer. As a captured smuggler it was the possession of the farmers, and a moiety of its proceeds were, by law, Strafford's possession. As a farmer Strafford took no legal proceedings. As Deputy he sued in Court to escheat it to the Crown.[2]

At his trial one of the Articles was specially devoted to the charge of corruption as a Customs farmer. A desperate effort was made to prove that he had utilized the farm of the Customs to tax the people and swindle the King. Rates that had been fixed before his appearance on the scene at all were foisted on him, but the revelation that he had resisted successfully the one proposal made to increase the rates, took the wind completely out of the Prosecution's sails. Barr's and Mountmorris' famous estimates of his profits were revived again, but the Prosecution were in an awkward quandary. Mountmorris, their star witness on another Article, had been a farmer of the Customs till 1635, in collaboration with Strafford. Accordingly they had to begin their recital of embezzlement from 1636, and skip the previous four years. Despite, however, a careful examination of all the accounts they could make nothing out of the charge. "There is no treason in this business" Strafford said in his reply. "I have proved the bargain was honestly made. I had it on no other terms than it was formerly let to others. I was constrained into it, whether I would or no. My Lords, if the bargain by the increase of that Kingdom prove a good and profitable bargain, it is a very hard case that, if it be increased through

1) L. S. II—106. 2) C. S. P. 1634—80, 89.

the King's wisdom and goodness, and the Kingdom's growth, trade, and traffic that this should be turned on me as an argument to make me guilty of treason. I never found a good bargain could be so charged, so long as it was honest and fair. Whereas they press that I have gained £ 300.000 by it, it is a very strange mistake. The King had out of it his rent of £ 16.000 and five entire parts of eight clear to himself, and therefore it was a strange calculation, and much mistaken by them that gave the information of it to the gentlemen".[1]

Of Strafford's private ventures his linen looms are perhaps the most famous. On another occasion he dispatched a large cargo of Irish produce the Spain. Once he sought to get for Ireland the contract of victualing the Spanish fleet. A marble quarry, an iron works, the arsenal at Kinsale, the Custom House at Dublin, and the clearing of the river up to Bandon are amongst some of his other activities, partly private, and partly State.

He left the Irish Treasury in perfect working order with a large balance in hands. The debt was gone; and all this was achieved with very little extra taxation. It is true the subsidies voted by his first Parliament assisted considerably, but they were only twice the old contributions that were scrapped. The secret of the great financial reform was proper collection and the abolition of abuses. All Parliament voted was an extra £ 20.000 a year, if we subtract the contributions from the subsidies, and with that he turned a deficit of £ 80.000 into a balance of £ 100.000, redeemed farms to the value of £ 9.500 a year, and purchased lands for the Crown to the value of £ 4.000 a year.[2]

It is impossible to square these figures with the theory that his sole aim in Ireland was to extort money for the King's use in England. He was adamant on the point that the subsidies were not to be diverted. He was more firm on the exportation of money from Ireland. His solitary prosecution with a religious tinge was one undertaken to prevent money being sent abroad to Jesuit Colleges.[3] The rents of the Derry Plantation he got earmarked for the army.[4] A Royal loan he vetoed for fear it would disorganize the money market. The only money there is a trace of him sending across is the purchase price of Lord Mountmorris' vacant post, and

1) R. P. VIII—241—252, 651. 2) R. P. VIII—120. 3) L. S. I—172; L. L. VII—53. 4) L. S. II—297, 298.

even that he invested for the King in Wicklow Land.[1] It was probably this draft that gave rise to the story that he was making large remittances to the King. Garrard refers to it as Court gossip just at that period.[2] Sir Philip Warwick resuscitated it many years later, but was probably influenced by Strafford's personal loan of £ 20.000 to the King.[3] Strafford could never have made remittances on any large scale, and at the same left such a balance in the Exchequer.

That all this was done "with the contentment of the subject" is undeniable. Exports and imports doubled. Land doubled in value. Shipping increased a hundred fold.[4]

The causes of the debacle are described elsewhere. The results are well known in history. Once the projector, the anarch, the corrupt official, the mob-man, and the "particular person" broke lose the whole edifice crumbled into dust. The weakness of Strafford's position was that he was the satrap of an Imperial Power which collapsed at the critical moment. On its collapse Ireland reverted to the Stone Age. The one nodus that could bind the elements together disappeared, and "every man did what was right in his own eyes".

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1) L. S. I—511; II—106. 2) L. S. I—525. 3) S. T. IV—200. 4) T. C. D. F. 3. 15.

PART IV

THE RELIGIOUS QUESTION

Section I

THE REFORMATION AND ITS RESULTS

Chapter I

THE FALL OF THE SPIRITUAL POWER

> There is never a house on the whole demesnes of the Abbey, but only a desolate place and the lands are waste.
>
> Sir Richard Bingham.

The relations between the Temporal and the Spiritual Power in Ireland deeply affect the body politic. The one is ever affected by the other, each swaying the policy of the other, and both sometimes coming into conflict, but, for reasons that appear, seldom remaining long in a state of mutual hostility.

Before the Norman invasion the Church in Ireland was one of the dominant forces. Its activities were such that its scions played a far larger part in the history of Western Europe than many imagine. At the period of the European chaos the Irish missionary was as well-known a figure abroad as the Irish soldier of a later date, as the Irish doctor of to-day. The genius of the race seems to have concentrated on this pursuit at that epoch.

Of the institution which generated these successive waves of emigration much we know. We know that it was free, very free, from the discipline and control we usually associate with the word Church. It seemed to have approximated more to a vast number of self-governing entities, who had neither the desire to, nor the opportunity of dominating each other. What was more it was indigenous to the soil, unaffected by extern forces, uncontrolled,

self-governing, and self-contained. It paid no allegiance either to Rome or Canterbury.

How separate and distinct was this institution from what we associate with the Church in the Middle Ages is shown by the modes and methods of the Missionaries. Of liturgy they seemed to have none in existence till the time of Henry II.[1] The basis of their philosophy was the Bible and not the deductions therefrom.[2] Of Purgatory there is not a trace in any of their writings before the tenth century.[3] The first case of the canonization of a saint did not occur till the twelfth century.[4] Celibacy of Clergy was unknown in Ireland till the time of Innocent III.[5] From these and many others symptoms we may deduce a purely native form of Christianity, distinct and different from that of any other country, and this difference must have been all the more accentuated by the fact that the country elected its own Bishops—without reference to any external power.

Such a state of affairs could not last. The Papal power was nearing its zenith. Its sway was rapidly extending all over Europe, as the one authority civilisation could devise to cope with anarchy and barbarism.

What had complicated the situation was the Norse invasion. The Norse settlements of Dublin, Waterford, and Limerick would have nought to say to the Native Church. Campion relates how they paid homage to the See of Canterbury. Long before the Norman Invasion, before Strongbow was ever heard of, these three cities looked across to England, looked to England to consecrate their Bishops, and supervise their election, and there is actually a Royal Warrant on record from Henry I. relating how "the King of Ireland has intimated unto me by his writ and the burgesses of Dublin" that they had elected a Bishop, such warrant ordering the Archbishop of Canterbury to proceed to the consecration of the favoured one. This process of external absorption was well under way before Strongbow landed. The Dublin citizens have put it on record that they scorned "the indignation" of the Irish Bishops, and would "not obey their ordination".[6] The Bishops of the Hinterland took the obvious step. After an appeal to Rome

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1) U. E. IV—275. 2) U. E. IV—240—243. 3) U. E. IV—263—266.
4) Ware. Bishops.—31. 5) U. E. IV—296. 6) U. E. IV. 326—328.

via Malachy, the Archbishop of Armagh, a congress was held at Holmpatrick in 1148 of 15 Bishops and 200 priests. It made a solemn request to the Vatican to enter in, and put a stop to these dissensions.[1] Thus we have the Spiritual Power in Ireland divided into two parties, one appealing to Canterbury and the other to Rome. In 1152 the first Papal Legate arrived with four palls, legitimizing or recognizing four Archbishoprics, and was duly honoured at a large synod held in Kells. This however was but a preliminary. In 1175 the Imperial Power of Henry II. arrived, equipped with a Papal Bull, in open alliance with the rising Spiritual Power of Rome, he having many temporal matters to decide, which did not run counter to the Spiritual Power of the East. In 1172 "all the Archbishops, Bishops, and Abbots of Ireland" waited on him at Waterford, and "swore fealty to him and his heirs".[2] Next year at a National Synod, held at Cashel, under the guidance of the Pope's Legate and certain Norman Abbots, it was decreed that "the divine service in the Church of Ireland shall be kept, used, and observed in the like order and manner as in the Church of England", and a vote of thanks was passed to Henry for "abolishing many and all sorts of wickedness".[3] All the ecclesiastical dignitaries then wended their way home, Henry and the Papal Legate, no doubt, congratulating themselves on a good day's work well done. From this date, no doubt the culminating point of a growing tendency, begins a new epoch, in which the perfervidum ingenium Scotorum was destined to embroil itself with external forces in its own island.

From this time on the Church as an institution thrives in matters temporal. Its dignitaries, who before seemed to be of little account in matters mundane, loom large, stately, pontifical, and minatory. They swagger across the stage of Irish history, speaking with no uncertain voice, and acting in no uncertain manner, making their presence felt in matters mundane. Great offices of State fall to their share. They rule principalities with a firm hand, and warn off lay marauders, not only with book, bell, and candle, but with writs, warrants, aye and blows. The Church grows in wealth and great possessions, possessions which made the mouth of many a baron water, but which were beyond his reach,

1) Ware. Bishops.—55, 580. 2) C. A. H. I—22. 3) C. A. H. I—24.

defended by the spiritual and temporal power, and also the friends, relatives, and retainers of the prelate. It may safely be said that, during the Plantagenet era, the Church absorbed a fifth of the land of Ireland, held the lion's share of the administration of State, wielded a power unheard of since—and rotted inwardly.

No institution ever devised by man can withstand the onslaughts of great prosperity. The impetus that brings it into being is sapped by attending to its gains, managing them, increasing them, and protecting them from attack. The fanatic, that joins the seemingly forlorn hope, gives place to the organizer, the ordinary man anxious for a quiet life, the man of the world, who will not press things to extreme, and lastly the hireling, attracted by the wealth, and nothing more. The institution has to compromise, to consider its dependants, to avoid this course or that, for fear it might injure this friend, and lose that possession, till, finally, it blatantly makes friends with the Mammon of Unrighteousness. This is the end of all Empires, Nations, creeds, cults, and causes.

The wealth of the Irish Church must have been enormous. The Loftus M. S. S. put the annual value of the confiscated monasteries in 1536 at £ 32.000, which was far in excess of the Customs Revenue a hundred years later, and over four times as great as the Irish Revenue of Henry VIII.[1] This does not include the large areas, nominally monastic, which had passed into lay hands, and which formed "the concealed lands", a subject of much controversy. The monasteries and priories are estimated at close on 600, roughly twenty in a county. Some of them, like Youghal, of which more anon, possessed lands to the value of £ 1.000 a year.[2] The Church lands proper were yet greater in extent. The visitations of the Jacobean era make one wonder at the extraordinary power this force must have had during the Plantagenet era to have attracted, engrossed, and retained these broad acres at a period, when the barons were slaying each other in their agrarian disputes. It may safely be stated that, not even at the time when the State had compulsory powers over whole counties, did it ever have control over such an acreage as the Church possessed.

The explanation is simple. During the earlier Plantagenet era the Spiritual power was the only power that held the strong in

1) Church of Ireland. Mant.—155. 2) C. S. P. 1634—48.

awe. It was the only force men were able to evolve which could deal with a desperate situation, such as prevailed all over Europe. Where a combination of barons was foiled, there a friar with a crucifix could step in, intervene, and secure some form of justice. To an institution such as this, men gladly paid homage, tribute, and left a portion of their lands on death, in the hope that it, in return, would protect their heirs. Even where this influence failed the Spiritual Power had yet another resource. It always worked with the Temporal Power. The revolt of this Bishop or that Bishop made no difference to this traditional policy. Prelates and Churches dislike internal commotion, and detest the anarchy, the wars, and combustions, in which men dabble their hands in human gore. The raison d'etre of the spiritual power is that of the temporal power, the pacification of the realm. The one rude form of Government in Ireland was the Deputy in Dublin, and this State, vacillating as were its fortunes, had at its behest a force that could not be ignored, that could call on other forces from time to time, sometimes one, sometimes the other. Richard II. for instance received the homage of every chief in Ireland.[1] With an ally such as this the Church throve. Both Powers desired peace. Both disliked the Barons. Both drew their inspiration from abroad, and looked askance at a powerful rival or a powerful combination.

As the Church, however, increased in power, not only did it lose its pristine vigour, but it made enemies. Apart from the barons who objected to the voice of "shavelings" in the Council Board, there were wise men at the Council who wondered whether the Pope or the King was the real master of Ireland. This question was rising in every State in Europe. The spiritual power was waxing fat. The Temporal Power was either defending the realm, or doing the work which had called the Spiritual Power into existence. It was the Deputy's levies that were beginning to protect the cities, and no longer the Bishops' bruta fulmina. The Deputy taxed very lightly. The dues and rents of the Church were getting very heavy. Furthermore inside in the Church things were going awry. Bishops were declaring war on each other, using armed men, violence, blood and murder.[2] There are two cases on record

1) C. A. H. I—137—138. 2) Ware. Bishops—271, 288, 528, 533.

of eminent prelates submitting to trial by combat.[1] Scandals grave and many appear at intervals in the Irish records. A Papal rescript to the nuncio in Ireland contains a startling list of abuses he was to remedy, at the close of Queen Mary's reign.[2] One has only to turn over the Calendar of Petitions in the Papal Register to realize that things were not as they were a few centuries before, or as they became a century later. It becomes very plain that the Bishops were approximating very closely to the condition of the feudal barons, wrack-renting, coshiering, and warring like the barons, and, at the same time, losing the glamour which had made them like the barons. Time was when their persons were sacrosanct. When the House of Geraldine rose in rebellion the Geraldines "haled the Archbishop of Dublin out of his bed, naked in his shirt, bare-footed and bare-headed". "Take away the Clown" were the Earl's words, which his men misunderstanding they "knocked out the Bishop's brains". No man seems to have laid hands on them till the Government restored order, and hung the murderers.[3] Wolf the Jesuit, wrote to Rome as follows. "The Church (in Tuam) has been for three centuries garrisoned as a fortress. Arthur O'Frehier, the true and lawful Bishop, has recovered it by force . . . . . Bernard O'Huyghin, Bishop of Elphin, was not acceptable to the people, and has, by reason of their ill will, lost a great part of his temporalities. The Dean of Raphoe is a very rude coarse man. fitter to be a soldier than a Churchman . . . . . Those of the sea of Killala are barbarians untamed and ferocious and of bestial habits; at one time they pursued the Bishop with intent to kill him. John Shane O'Neill has burnt the Church of Armagh and all the Monasteries, has imprisoned the Bishop of Dromore, and persecuted the Archbishop of Armagh and his Clergy."[4] So wrote the Papal agent on Queen Mary's regime. It is obvious that sacrilege had become normal, and the Bishop no longer overawed the barons. This had been going on for centuries. In 1392 the citizens of Dublin attacked the Abbey of St. James to destroy the Prior.[5] In 1503 the Earl of Kildare burnt Cashel Cathedral.[6] In 1512 the citizens of Dublin again raided St. Patrick's to kill the

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1) C. A. H. I—76; History of Dublin. Warburton I—180. 2) Rome 1564—167. 3) C. A. H. I—234. 4) Rome 1560—48, 50, 481, 482. 5) Archdale—104. 6) C. A. H. I—191.

Earl of Ormonde.[1] One has only to notice that two Irish municipalities—long before the upheaval—issued police regulations to deal with the friars as bad characters to realise how low the spiritual power had sunk.[2]

There was yet another question. Great wealth may attract doubtful friends. It creates many enemies, not mindful of the tenth commandment. In an island where land is ever the bone of contention the mere possession of many acres makes enemies of those who have not many acres. Mortmain never came into force in Ireland till the reign of Henry VII., and "the Dead Hand" held many a fertile plain in a land, where the soil breeds lust for the blood of the landowner. Here was an institution possessing a fifth of Ireland, fast losing its friends. Here was a country teeming with reguli, barons, chiefs, and warring clans, all with hungry friends, fearing very little save the sword, and with not much fear of that either. First there were the private advowsons, with the priest the nominee of the "Great One". Then there was the "Great One" with his blackmail, his exactions for protection, which exactions became rent, and soon were merged into full ownership of the Church lands. The preamble to a Statute of Henry VII. relates that by this process "the Lords and gentlemen of this land have intruded into freeholds and inheritances, and the same keepeth and occupieth as their own inheritance, to the diminishing of Holy Church's rights, the disherison of the King and his obedient subjects".[3] Then there was the nominal Clergyman, son of the local chieftain, perhaps the chieftain himself, ordained in form, agrarian proprietor in practice, "passing away" what he called "my lands" to his progeny and retainers. Finally there was the sword.

For centuries this process had been quietly in operation, sapping those great possessions, impropriating them by means legal and violent. Those who assume that the Reformation was a contest between the Temporal and the Spiritual Power forget that there was no contest in Ireland. The Spiritual Power was gone a century before, tamed and subdued by the Temporal Power of the Irish chieftains, who had entered into its lands, and there sat themselves down. The Prelates and Abbots might sit in the House of

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1) C. A. H. I—203. 2) Fingall and Ormonde M. S. S.—293, 398. 3) Act. X. Henry VII. C. 4.

Lords and wrangle at the Council Table, but it was a Burke, a Desmond, a Fitzgerald, or an O'Neill who held their realms in awe, slowly encroaching on their lands, and just waiting for the final rush to pounce on the fatted victim. The Reformation was but the last stage in a culminating wave. Then the great question arose as to who was to own those lands, the State or "The Great Ones", a great question which lost both Charles and Strafford their heads.

The climax came when Henry VIII. "hitched his waggon" to the rising star of the Reformation, and put the coping stone on that edifice of royal control of the whole realm, which had been reared by slow and steady stages from the time when a former Henry overthrew Beckett. This decision coincided with the fall of the great feudal house of Kildare, and the sudden emergence of the Crown as the greatest Power in Ireland, greater than that of any possible combination of dynasts. Like one man all the Irish aristocracy rushed to hale the new power.[1] A Parliament was held which seems to have toured Leinster and Munster during its sessions. That Parliament was as near a Council of the Realm as ever sat till the time of James. Those Lords and Chiefs who were not present ratified its decisions by personal submission and homage within three years, and not one of the great names defied its finding. The Commons were unanimous, speaking as they did certainly for the cities, and by inference for the Knights of the Shires of all Leinster and all Munster.[2] In the Lords there was some small opposition of a clerical nature led by Archbishop Cromer. When that Parliament dispersed the King of England was declared King of Ireland, the King of Ireland was declared Supreme Head of the Church of Ireland, the first fruits, advowsons, and patronage of the Church were placed in his hands, and all the Abbeys and their lands were escheated.[3]

From that unanimous declaration the Irish aristocracy never shook itself free. Its moral effect reaches down to the present day. Within three years "all the Lords and chieftains of the Irish and of the degenerate English throughout the Kingdom" swore fealty to Henry and his heirs, and renounced the Papacy in most emphatic language. [4] The Lord Deputy did a tour of Leinster, Munster and

1) Dav.—239. 2) C. M. S. 1536—99. 3) C. A. H. I—245, 251. 4) Dav.—241.

Connaught and received submission on these terms from all the "Great Ones", and all the cities.[1] In Ulster the chieftains, who had not been at the Parliament, and who were beyond the reach of visitation came in and submittend. O'Connor, Maguire, O'Neill, O'Donnell and Mac Guinness all took the oath of allegiance and the oath of supremacy.[2] The Abbey Lands were parcelled out, and shared between the Crown and the Aristocracy. chiefly the latter. At a later period it became the fashion to represent the Crown as the sole lessee, and the "Great Ones" as pious protestors. It was the Great Lords and the Chiefs of the Septs who carried off the lion's share, a problem destined, at a later period, to produce serious complications, when these men's decendants called in the Spiritual Power to assail the Crown, and the Spiritual Power not unnaturally asked for a re-transfer of its mulcted possessions. Of this however more anon. We get one foretaste in Queen Elizabeth's spacious days. Shane O'Neill "flew out for religion" and welcomed Dr. Creagh, the Papal Bishop, requesting the declaration that this was a Holy War. Dr. Creagh's deposition is on record. "Taking a way for keeping to himself the aid of Church Lands, he prayed I would preach and encourage his men to fight against his enemies, all the lords and 600 retainers being present. After the preaching was ended, he rose up, and in very rage did swear to destroy the Cathedral of Armagh, which thing he performed within five days. Then he began to try me with gifts, promising I should enjoy more than ever did any Archbishop, if I would be content he should keep for his aid the helps aforesaid, which, when I did utterly refuse, he sought to undo me as a heretic."[3] A less seemly description of the ensuing chaos, is given by the Bishop of Kildare, who, on the suppression of the Monasteries, sent an urgent whip to the Earl of Norfolk, imploring him to see that a local Monastery became the personal perquisite of him, the writer, and not the local Earl. The Earl did so and there was a local uproar. "The Liberty which you obtained from the King for the House of Connoll almost caused my death, for, when the Earl heard of that liberty, he went into great rage, and drew out a long Irish knife, so that

1) C. A. H. I—253. 2) C. A. H. I—254; C. M. S. 1538—1541—137—175.
3) S. O. I—47.

I could with difficulty escape from him." [1] Thus did hungry men rush to devour the fatted victim, and on the spoil there of maintain noble and stately houses, families, and dignities.

This sudden debacle requires some other explanation than the many causes that had led up to the weakening of clerical power. In assessing cause and effect at that period care—great care must be taken—not to read into the deeds of one generation the mentality of another. At that period theological considerations weighed very little. It was a rough and rude age. The great desideratum of men was security. The only visible Power that could give that security was the Crown. As the clan had developed into the baron, so the baron developed into the sovereign, as men strove to evolve a force that would enable them to live free from battle, murder, and sudden death. When such a Power suddenly loomed large on the horizon, asking for aid and promising it in return, promising protection for the minor men against all Princes and Potentates, the minor men rushed to its standard, and each of the "Great Ones" did likewise, fearing his rival would be before him. What had a distant—a very distant—Papacy to offer in opposition to this? There were men who had never heard of it, save as something which had something to do with the local Bishop. The Papacy was also a very temporal affair, not the idealised institution it appears to many to-day, and was not a Monarch living close to Ireland, who could protect his subjects and smite his subjects, a much better judge of who was the best Bishop to rule in his own Kingdom, which he had conquered, which he protected, whose expenses he paid out of his Royal coffers? Men took that oath of Supremacy as calmly then as a recruit to-day takes the Oath of Allegiance, without any mental purturbation on the propriety or otherwise of the Royal Veto on an Act of Parliament. There is no trace at this period of any theological niceties. These points did not arise in Ireland till the era of peace, till the last days of Elizabeth and the reign of James, when men had leisure to appreciate the subtleties, and could desert the Crown without fear of it being supplanted by a robber Baron.

The Act of Supremacy and the confiscation of the Monastic lands were two concrete measures, unanimously adopted. This

1) C. M. S. 1539—151.

unanimity can be assessed from the attitude of the Bishops, the one class who—we would assume—would have been prone to weigh the pros and cons of Royal Supremacy. Their mentality is astounding in this modern period of theological subtleties. Archbishop Cromer, the one opponent of the Supremacy, seems to have lived quietly in full exercise of his office, suffered no ill effects, died and was succeeded by Dowdall. In four sees already vacant the new Prelates were nominated by the Pope, surrendered their Bulls to the Crown, took the oath of Supremacy, and entered on office. In nine cases the Crown nominated the new Bishops on the death of their predecessors. In three of these cases a Papal nomination was set aside. In only one case was there any local opposition. A rival candidate arrived with a Papal Bull for Clonfert, was supported by the Burkes, drove out the Royal Nominee, took the oath of Supremacy, and was accepted by the Crown. In all such cases the Crown nominee was consecrated by the other Bishops.[1] In Edward VI's reign out of seven appointments one was made by the Papacy. In this case the Nominee sued for a pardon for having procured the Bull, took the oath of supremacy, and his appointment was confirmed.[2]

In the meantime an order arrived to put the Prayer Book of Edward VI. in force.[3] There was a heated discussion at a synod in Dublin, Dowdall the Primate opposing, supported by others of the Bishops.[4] Dowdall protested and left the Kingdom, and his see was declared vacant, Goodacre taking his place.[5] Queen Mary then succeeded and the Counter-reformation began. Goodacre opportunely died, and Dowdall was restored. This incident alone reveals the queer attitude of the times. Mary was in one way an enthusiast on the Papal claims. She was zealous for the counter-reformation. She has passed down to history by a sanguinary title. Nevertheless she passed over the Papal Nominee to the see of Armagh, Wauchope, a nominee who for some years had been claiming the title on the continent, and restored her brother's nominee, Dowdall, despite the label of "pseudo", with which all the Tudor Bishops are denominated in controversial literature. Mary had a very fiery strain her composition, and part of this

1) Ware Bishops—174, 187, 205, 255, 642; Mant. Church of Ireland—168—170. 2) Rolls. 6. Edward VI. Ware Bishops—264. 3) C. A. H. I—288. 4) Ware Bishops—350. 5) Ware Bishops—317.

strain showed itself in independent clannishness. Her brother's Bishop was good enough for her. Nay more she could defy the Papacy. Once when a Nuncio attempted to land in England with a cardinal's hat for a friar she did not like she warned him off her shores, thus betokening that she was her father's daughter.[1] It is curious also to note that she made no effort to recover the Monastic lands. Those still in the gift of the Crown she restored. Those in the hands of her subjects she ignored. The Irish aristocracy always insisted that Cardinal Pole had surrendered all Papal claims to these lands during this reign. The famous Dr. Rothe described this as a canard, invented by "quibusdam ecclesiasticis, maxime regularibus"—the famous Prelate and they were at war—"et circa hanc opinionem gravis nascitur disceptatio et sententiarum altercatio".[2] Five Irish Bishops were deposed for having married. Their five successors were all consecrated by the other Bishops with as much tranquillity as they had consecrated those of Edward VI. Parliament then met and abolished all the Acts of the previous regime. This Parliament had the distinction of passing the first penal law for theological doctrine ever known in Ireland. Like those of Queen Elizabeth's however they were bruta fulmina. The Crown at that period had other things to do besides probing into the conscience of the turbulent subject. It also legalised all the monastic impropriations. In other words Queen Mary's Ultramontane Bishops had no qualms of conscience on the matter, their consent in the Upper Chamber being obviously granted.[3]

Queen Elizabeth then appeared on the scene. Her aversion to Puritanism made her anxious for a via media. Her refusal to take the title of "Supreme Head of the Church" and her acceptance instead of the title of "Governor" is but one symptom of this frame of mind.[4] Political conditions however led her along the path of the Reformation, and her reign culminated in its ascendancy. The Irish Parliament immediately passed a whole code of Supremacy Bills, enforcing the oath on all officials, all clergymen, and everyone who "sued a Livery" in the Court of Wards. The Act of Uniformity was also placed on the Statute Book. Again it is

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1) Rome 1561—37. 2) A. H. V—89. 3) Acts 3 and 4. Philip and Mary C. 8, 9, 10. 4) Rome 1559—9.

to be noted how the same men regarded these questions as but trivial details in State policy, or rather as a vote of confidence in the Sovereign against all other Powers, be they temporal, spiritual, or feudal. [1] Again we find the barons and chiefs "coming in" on these terms. Shane O'Neal, who before and after this, was on the warpath "for religion"—and incidentally receiving a very bad character from two Papal emissaries in their dispatches—took the oath in Ireland, took it again in England, received a loan from the penurious Elizabeth of £ 2.500, subsequently "flew out for conscience sake", calling on Dr. Creagh to preach a Holy War in his favour, and—if Wolfe, the Jesuit is to be believed— sanctifying the war by imprisoning the Papal Bishop, hanging a priest, and conscribing the priests by force into his army as combatants. Wolfe dispatched to Rome a joyous paean on his death, noting with gloomy satisfaction that he was killed by "heretical Scotchmen". His successor, Tirlough O'Neill, "persecutes the priests with cruel torments". [2] McCarthy More took the Oath and a peerage, and appears at a later period as an enthusiastic Roman Catholic. [3] Hugh O'Neill, the ablest champion of feudalism, the star of the Papal hope, was, at this period, weak and but a minor man, just emerging from Oxford, a courtier in London, "sueing out small parcels" in the Court of Wards, swearing the oath often, a scion of the loyal minority. Desmond took the following oath in 1562. "I do firmly promise and vow that I will, to the uttermost of my power, cause divine service to be maintained as is and shall be ordered by the laws, statute and orders of the Realm of Ireland, and to punish the offenders". [4] In 1573 he was sued by the authorities for "the rents of sundry possessions of religious houses suppressed". [5] In the same year an entry in the Papal State Papers describes him gleefully as "aforetime a heretic, but now an excellent Catholic". [6] Then he "flew out" flourishing a Papal Rescript, which promised to his followers "plenary indulgence and remission of all sins, as was granted to those who fought against the Turks". [7]

One startling fact emerges, however, from the documents of that period. The small body of priests who lived in Ireland were

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1) C. A. H. I—313—314. 2) Rome 1573—482; S. O. I—45—50; C. A. H. I—316. 3) C. A. H. I—320. 4) O. L.—116, 117. 5) C. M. S. 1573—432. 6) Rome 1573—481. 7) Cat.—31.

singularly hostile to these men. These "Great Ones" had no scruple about hanging a priest on their private gallows. Wolfe's comments —and he knew them—are bitter and caustic. It is significant that he never penned a harsh statement against the Crown. O'Sullivan, the contemporary champion of Roman Catholic feudalism, who—living in Spain—saw in every chief at war with the Crown a patriot and a saint, lets drop these phrases. "The Catholic priests in the cities were far from exhorting the Irish to war. At this time there was no persecution of priests. Many priests and friars gave it as their opinion that it was not only lawful to assist the Queen, but even to resist the Irish Party and draw the sword upon it."[1] Amongst those determined that Hugh O'Neill was not to rule Ireland, despite his succours from Spain and Rome, were Rothe and Dease, subsequently the Roman Catholic Bishops of Ossory and Meath.[2] It was this action on the part of Rothe—by far the ablest of the priests of the period—that lost him the Roman Catholic Primacy in the reigh of James. These men had to live in Ireland, and they knew who would let them live and who would not. It was only abroad, in Madrid and in Rome, that calculating Statesmen saw in these barons champions of faith, or tools for their own ends. The generation of that day went with the Crown, and their great religious justification lay in those secret dispatches penned by Wolfe, an Irishman, a Jesuit, and a Papal Nuncio, who told his superiors in Rome that the persecutors were not the Queen, but their own standard bearers in Ireland. The fiction of a religious Irish chiefry warring for conscience sake was invented at a later period when the land had peace, the wounds had healed, the devastation been repaired, and men, conscious of grievances against the Government, began to idealize their old enemies, and to canonize all apostles of anarchy. To-day many an Englishman makes a hero of Napoleon, chiefly because Napoleon is dead and can do no further harm to him. The same tribute of respect is paid to apostles of revolt in Ireland—after they are dead. The Jacobean priests spoke very highly of the Elizabethean Chieftains. The Elizabethean priests did not. Suffice is to say that the priests did not enter Ireland in large numbers till these Chieftains were defeated, and the hegemony lay—not in the nominal standard

1) Cat.—54, 55. 2) Franciscan M. S. S.—83.

bearers of the Papacy—but in the Council that sat in Dublin Castle.

The Church in the meantime had become a Department of State, with scarcely any objection on the part of the Bishops and Clergy of the period. Cromer alone withstood Henry VIII. All save the five prelates who were deposed for marriage followed the Counter-reformation of Mary. Of the Marian Bishops two alone refused to adopt the trend of the Elizabethean era. One, deprived of his Bishopric, set up a school in Limerick, there lived and died in peace.[1] The other, for preaching against the Queen's Supremacy, was, for a short time, imprisoned, and was then ordered to leave the country.[2] Clerical circles were unmoved by all these theological alarms and excursions. Vain was it for the Papal nuncio to denounce the Irish Bishops as "hirelings and dumb dogs", or as "worthy men according to the standard of the world".[3] Like the chieftains they had many other things to consider. Like the commonality they had to ask was this a time to side with the Queen's enemies? Like many of their confreres elsewhere many of them were sick and tired of the old dual system which had collapsed in laxity and chaos. Thus writes an Irish friar to Rome. "There is so little instruction in the Christian faith that few can be had to repeat the Lord's prayer. So gross is the ignorance of the people that many who, passing all their lives in the grossest sin, have grown so accustomed theretoo, that they dare say it is just and lawful for them to live by theft and rapine, as for him that worthily serves the altar to live by the altar."[4]

One thing more contributed to the extraordinary unanimity of a class, which in every other country in Europe, was wracked with dissensions over every theological point, as it loomed on the theological horizon. From the reign of Mary to Charles is a transition period. All religion is in a state of a flux. We can apply no modern terminology to the men, families, clergy or districts of that period. Down to the Revolution—though opinion was hardening in the reign of Charles—there were Bishops, clergymen, and laymen in the Established Church whom a modern generation would call Roman Catholics or Non-conformists. At Headquarters

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1) Ware Bishop—153. 2) Ware Bishops.—163. 3) Rome 1570—49, 483. 4) Rome 1571—468.

a desperate effort was being made to find a via media. The Oath of Supremacy which a modern generation would regard as the test was not the thest. Many a loyal subject of what we might call Roman Catholic views of considerable piety took the oath without a qualm of conscience, on the grounds that the Pope had financed two invasions of philibusterers. Add to this that the Church or State exercised no control till the time of James, that every diocese was a law unto itself, provided the oath of Supremacy was taken, and we understand why the overwhelming majority of the clergy regarded the change as of little moment. This is why, though in England the question of Apostolical succession is one for argument, in Ireland there is no controversy, save in three dioceses where the tide of war admitted of no Bishop, State or Papal.[1] The Irish Bishops of the Reformed Church were the legitimate heirs of those of the pre-Reformation, consecrated, installed, and recognised by those whom the Papacy had itself nominated and recognised.

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1) T. C. D. F. 3. 16.

Chapter II

THE RISE OF ROMAN CATHOLICISM

> I understood by the relation of Sir Toby Matthew with how many untruths some of the Irishry endeavoured to shadow over to your sight those indulgent lights and graces, which His Majesty vouchsafed to shed forth to all his people, and in particular to those of the Romish religion here. It is my duty to witness this truth for His Majesty that such amongst them, as be sober in conversation and faithful towards the Crown — and indeed to say truth those are many — are without prejudice, equally taken under the protection of His Majesty's Justice, as any other subjects whatsoever. STRAFFORD.

How then came it to pass that when the smoke of battle had cleared away, when all these wars were over and the Crown had emerged triumphant, that the majority of the inhabitants of Ireland were Roman Catholics? That the majority were this way inclined is true, but that the majority was a three-fourths majority as at present, is by no means certain. We have no definite figures. What figures we have, for a later period, are vitiated by a devastating war, and considerable fluctuations during another transition period. The only figure on record is an estimate that there were 60.000 professing adult "able-bodied" members of the Church of Ireland in 1631, a date which was the high water mark of Roman Catholicism. This, if taken literally to mean, as the context shows, men, capable of military service, would give us over 300.000, at a time when the population was certainly not 900,000, and was probably under 800,000.[1] How very dangerous it is to assume that areas had the same religious complexion that they have now is revealed by the fact that in 1644 the Protestant population of Dublin was double the Roman Catholic, East Cork and West Waterford were overwhelmingly Protestant, all the small

1) H. V. C. VIII—37.

County Towns of Munster were Protestant, and the vast Hamilton estates, the County of Derry, ,and North Antrim had a large Roman Catholic majority.[1] In 1613 the Papal Nuncio spoke of 800 priests and about 200 regulars as his full force of missionaries.[2] This would scarcely lead one to assume a very large Roman Catholic population. In 1635 Rothe requested the Papal authorities to send him no more priests, 80 being ample for Ossory, in which diocese the Protestant population was small.[3] In 1625 there were 47 in the same Diocese.[4] In 1613 the numbers were as follows:

Kerry	22.
Limerick	24.
Cork	30.
Waterford	26.
Tipperary	37.

At a later stage there were about 60 or 70 in Tipperary, which seems to have been the most Roman Catholic County in Ireland.[5]

These small numbers cannot be explained by Government hostility. The Government of the Stuart period knew where every priest lived, and there are only less than half a dozen cases of the Government laying hands on a priest, and that only in cases of inciting to rebellion, or carying despatches to Spain. Proclamations are no evidence to the contrary. They were accompanied by instructions not to persecute "for religion, for being made a priest abroad, or for saying mass".[6] Lombard, the Roman Catholic Bishop of Armagh, informed the Papal authorities in Rome that in Dublin—the one place in Ireland where the authorities were strict — the priests "Solebant satis libere excipi", and "non obstante quacunque persecutione, permissi ibi manere". Rothe, his vicar, was allowed to go where he pleased and do what he pleased without let, or hindrance, and with the full knowledge of those in authority.[7] Nor was it poverty that made the number of priests so small. The richest of the aristocracy, the largest of the landowners, and the majority of the richer burghers were Roman Catholics. The Papal Nuncio in 1613 laid it down that Ireland

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1) D.C.III. p.XXXI, Cowper M. S. S. II—454; C. S. P. 1630—513; A.H. IV—1—6; S. O. I—192; C. M. S.—88—91, 552; C. S. P. 1606—466—468. 2) A. H. III—301. 3) A. H. V—85. 4) T. C. D. E. 3. 8. 5) T. C. D. E. 3. 15. 6) C. S. P. 1611—97. 7) A. H. III—297, 298.

could support "un gran numero di sacerdoti".[1] How therefore explain a Protestant minority, and yet such a small number of priests?

The painful fact emerges, that what we call religion, the devotion to certain rites, the practice of a certain philosophy, the cult of an unseen to redeem the sordidness of this world was, at the close of the Elizabethean era, but the prerogative of the Upper and Middle classes. In no document extant is there a trace of what we call religion among the multitude. Imagine for two centuries the Church of a Country rotting visibly away before the eyes of an impressionable populace, its prelates and clerks behaving themselves like the multitude, and in some cases worse! Imagine that Church assailed, robbed, hooted, and over thrown by a unanimous country! Imagine fifty years of wars—and what wars—in which churches were sacked, and cathedrals burnt, and priests assaulted, hung, tortured, aye and forced into armies to act as fatigue parties, imagine this done by local heroes, by Lords, chiefs, and squires, by men on whose conduct the meaner sort model their own actions, imagine children born in this atmosphere, where murder was the escutcheon of manhood, and the wonder is not that things were as they were, but that the country emerged to better things from the ordeal of his fiery furnace! Some of the Bishops and Clergy of the Church of Ireland in Elizabeth's time, Irishmen, kindly, sympathetic, and endowed with the missionary spirit, write frequently as if they were dealing with the submerged tenth of an English manufacturing city. Brady, who was born in Clare, speaks in impassioned eloquence of "a simple multitude, continually ignorant", preyed on by kern and preying in return, whom even his personality—one of the few attractive characters of the period—could not allure from the barbarism into which they had been plunged, even by eloquent Irish, "good hospitality and feeding of the poor".[2] Cardinal Bentivoglio, the Brussels Internuncio, spoke of the rural population as possessed of a universal and "blind ignorance of the faith".[3] Percolating through all the despatches of the priests one is aware of the confession that the rude multitude outside the cities were outside any fold.[4] Every

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1) A. H. III—301. 2) O. L.—136, 200, 317—320. 3) A. H. III—301.
4) T. C. D. F. 3. 16. pp. 42—47.

reference to their flocks is a reference to the squirearchy and the bourgeois. What finally corroborates this is an estimate made by an official, who knew the country well, of what the yield would be in 1618 of the recusancy fines, if imposed, assuming a successful collection. He puts the highest limit at £ 100.000.[1] This means that of male Roman Catholics over the age of 21, whose beliefs were so fixed as to induce them to stay away from Church, there were less than 50.000. If we have half the partizan estimate of the Protestants already quoted, we are left with a large body of persons attached to no fold whatsoever.

The squirearchy, who succeeded the great Lords in this upheaval, demand a careful examination. Orthodox history has blundered sadly in this respect by assuming that all the Irish were Roman Catholics, all the Planters Protestants, all those who fought on the side of the Crown or were officials were Protestants, and the elements of discontent Roman Catholic. Large deductions must be made from this view. Cox, the historian, one time ruminated severely, on that loose thinking whereby "if the most ancient natural Irishman be a Protestant no man takes him for other than an Englishman, and if a cockney be a Papist he is reckoned as much an Irishman as if he was born an Slievelogher".[2] In North East Ulster the Earl of Antrim, and the head of the MacGuinnesses were Roman Catholics, but the O'Neill of Claneboye was a Protestant. The titular head of the O'Neills, Phelim O'Neill was a Protestant till 1635.[3] In Donegal, Sir Mulmory McSwiney, the head of the McSwineys was a Protestant, himself no mean proprietor. Sir Henry O'Neill of South Antrim is described in an official note as an active Protestant.[4] Con Caffrey McDonnell, the titular head of the O'Donnells, was a Protestant.[5] In Fermanagh Connor Roe Maguire, subsequently Lord Maguire, the Crown favourite was a Roman Catholic, but Bryan, his rival to the chiefry, was in 1630 a Protestant, and was noted grudgingly by a sour official as "making great show thereof".[3] This was in Ulster alone where wars had devastated the gentry class. In county after county one finds the same phenomenon. Casual references in the State Papers, an examination of Burke and O'Harts pedigrees for families where

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1) C. S. P. 1618—186. 2) C. A. H. I—12. 3) Dict of National Biography.
4) C. S. P. 1625—73. 5) C. S. P. 1626—132. 6) C. S. P. 1632—689.

the younger sons were parsons, reveals that the bulwark of what we may call the State Church, the Church of Ireland, were the gentry of the septs, who, in this Stuart period, were minor squires living on their demesnes. This was obviously the force on which Ormonde, O'Brien, Broghill, and, to a certain extent, Munro relied, in the great upheaval of the Revolution, though, of course, one must make allowances for a large new planter class in their levies. The frequent recurrence of native gentry names in their army lists, at a moment when Inchiquin and Broghill, at any rate, were militantly Protestant, means that they must have drawn on a far larger Celtic Protestant Population than is usually supposed. As the confiscations that followed that period were directed largely at the expense of Militant Roman Catholicism, this explains the survival down to modern times in every county of a squire class of Protestant leanings with Celtic names, recognised locally as superior to the bourgeois. The locus classicus, however, for the religious views of the Irish Aristocracy of this period is a petition signed by the Roman Catholic gentry of the period, requesting Charles not to enforce the Recusancy fines. Out of sixty names so appended only twenty three belong to the Septs.[1] On another occasion during a Spanish Scare the Roman Catholic gentry of the Septs presented Charles with a loyal address. These Septs, it should be remembered, despite the trouble they gave Deputies, were singularly loyal to the person of the King, as events proved. The tradition of Irish gentry being traitors or "bringers in of Spaniards" is but the invention of the nineteenth century. A very large number of O's and Macs, who subsequently supported Strafford and Ormonde, are absent from this list. Anyone who knows the local histories of the Irish counties will note the missing names, missing for no other reason than they were not Roman Catholics.[2] Davies too, whose estimates are always supported by other documents, asserts that in his time the Counter-Reformation had not affected "the poor country gentleman." The richer gentry and the richer burghers, he says, were generally Roman Catholics, "but it is not so general of all the Commoners as is talked of."[3]

The gentry class who were the bulwarks of Roman Catholicism were the Pale gentry, and the second or third generation of Tudor

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1) Cowper M.S.S. II—481, 482. 2) C.S.P. 1626—190. 3) C.S.P. 1604—162.

Planters. Nearly all the great names attached to the Roman Catholic petitions, protests, and agitations, against the revival of the Irish Church in the reign of James were the sons and grandsons of the officials of the reign of Henry VIII. and Edward VI, of the burghers who had come out from the cities as planters, leaseholders of Crown lands, mortgagees, and farmers of Church Lands, the rising class hostile to the Crown, as a rising power, jealous of the new Planters, who were treading on their heels, and exceptionally hostile to the chiefs of the Septs with whom they had ever warred. Exceptions there were to this rule like many of the Norman chiefs, such as Lord Clanricarde, but the strength of Roman Catholicism—the names that appear over and over again to the exclusion of others—lay in the moneyed class that had settled on the land as officials or purchasers, a class which was rising to challenge the Government.

The new Planters that came in the reign of James were largely Protestant, fresh from England, and not yet not so firmly ensconced as to be independent, to be in a position to say James had no right to nominate a Bishop. They were at this period gathering in the new Boroughs, timidly entering the old ones, now and again leasing an allotment, or purchasing from some waning chief. Even they were not so overwhelmingly Protestant as tradition assumes. In the Ulster Plantation Lord Castlehaven, and the four Hamiltons were Roman Catholics, the latter being accused one time of "drawing the priests and Jesuits to Strabance".[1] In fact so enthusiastic were the Hamiltons on setting up a Roman Catholic stronghold in the middle of Ulster, that it was one time stated that "there will be a revolt in Strabane if any more of the Scotch Papists come there".[2] The tradition that the Plantations were Protestant colonies is not correct. The Ulster Plantation Covenants contain a clause compelling incoming planters—and not native—to take the oath of supremacy. This was drafted at the time when the State regarded the oath as "a matter of State and not of conscience". Within five years it had receded from that attitude, and the oath of Supremacy was only en forced on Privy Councillors and the Lord Mayor of Dublin. In the Wexford Plantation it appears as a recommendation. In no other Plantation is it men-

1) C. S. P. 1629—499. 2) C. S. P. 1630—513.

tioned. Apart, however, from the purchasers and leaseholders of Government lands, many of whom were Roman Catholics, there were the ordinary immigrants attracted by cheap land. We meet Roman Catholics among them frequently. It should not be forgotten that Ireland was the only country in Northern Europe in which a Roman Catholic could live unmolested. There was only one cumbersome and futile penal enactment on the Statute book, imposing a fine on absentees from Church, and the Government were unable to put it into force for obvious reasons. "Many recusants" complained Miler Magrath" go into Ireland to take land to avoid the penalty on their land in England".[1] "Ireland swarms" said Sir John Davies, "with English Recusants for the laws have no power to touch them".[2] Hence such entries as this "Sir George Calvert, a known and profound Catholic, has come to dwell in this country where he hath purchased lands".[3] When we are assessing the different causes that added to the odium theologicum we must not forget the traditional hostility of the native gentry to the Tudor Planter, and the hostility of the Tudor Planter to the Jacobean Planter.

One of the phenomena of the period is the matrimonial alliance between the native gentry and the Jacobean Planters, and the subsequent political alliance, especially in Munster, between these two classes during the upheaval in 1641. It is significant that the forces which withstood and in the end triumphed over the Catholic Confederation of the Pale were led by the head of the Royal House of O'Brien, Broghill, the son of the most famous of the Jacobean Planters, and Munro, who on one side was associated with the Jacobean Plantation, and on his mother's side belonged to the reigning family of O'Cahane. In all Irish politicas the family influence is so important that to neglect it is to ignore a salient fact.

The older cities however were in quite a different category. In them we find the first traces of the religious question pure and simple, unaffected by the agrarian, though, of course, in time affected by the political, as in all other countries. During the early Tudor period and for some time in the reign of Elizabeth these were the loyal minority. If the Crown followed the track of the Reformation so too did they. Reasoning from the analogy too of other

1) C. S. P. 1592—494. 2) C. S. P. 1612—290. 3) Franciscan. M. S. S.—81.

countries, we may safely assume that in these centres of trade and intercourse with the outside world, the philosophic basis and ideas of the Reformation must have found disciples. Manufacturing Flanders was the stronghold of the Reformation.[1] Paris was regarded as unsafe for a Papal nuncio.[2] The burgomasters of the Scotch cities challenged the authority of Mary Queen of Scots by expelling priests from their cities on their own initiative, and in England a discerning priest noted that, while there was no change among the rustics, in the cities "the mechanics as a whole were tainted with schism", especially "those of sedentary occupations, such as weavers, cobblers, and some lazy aulici".[3] In Ireland the same tendency must have prevailed. Dublin at all times was regarded as a Protestant city, despite the Roman Catholic composition of the Corporation in the later days of James. As late as 1613, when the counter-reformation was in full swing, the Brussels internuncio regarded the Irish cities as "infette dell' heresia".[4] Davies in 1606 is emphatic on the point that the multitude in these cities were not recusants, and "did welcome" the imposition of fines on the burghers, and this account bears all the greater stamp of truth, because he is careful to exempt Cashel and Clonmel from this summary, two towns in the county, which was the most Roman Catholic county in Ireland, as we know from other documents. In Dublin "the greater number repair to the Churches".[5] Contemporary records bear out this assumption. A note of the period describes how, on the defeat of the Armada, "at Carbury, Kinsale and Clare they resorted in great numbers to the parish churches especially at Kinsale where the Churches were not able to receive all the people that came thither. Great numbers were enforced to stand without, who hung upon the walls and windows to hear the sermon, which ended, the sovereign of the town, his brethren and commons receiving communion." In Cork the congregation numbered 2.000 and in Ross 600.[6] Dr. Lyons, the Bishop of Cork, puts his usual congregation about 1570 at 1.000.[7] As late as 1590 when the Aldermen of Cork and Waterford were veering towards recusancy, "the people of Limerick"

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1) Rome 1561—30. 2) Rome 1561—54. 3) Rome 1558—1561—57, 68. 4) A. H. III—300. 5) C. S. P. 1606—466—468. 6) Annals of Kinsale. Caulfield p. XXV; Diocese of Cork, Webster—225. 7) C. S. P. 1596—13.

were described as "of all Ireland the most tractable" in matters theological. [1] In the reign of Charles the Roman Catholics demanded the abolition of the Recusancy Statute on the grounds that it had not been enforced in the reign of Elizabeth. The Protestants retorted that till the 13th year of Elizabeth all the inhabitants "universally came to Church" and "the name of recusant was unknown". [2] This could only apply to the cities, as churches in the country were few, and is born out by the undoubted fact that Sir Patrick Barnewall, the Leader of the Dublin Recusants, always went to Church in the vice-royalty of Essex. [3] As late as 1604 a complaint is made that in Dublin the merchants went to Church, and sent their wives and daughters to Mass.[4] Sir John Dowdall in an analysis of the causes of discontent fixed on the 10th year of Elizabeth as the beginning of the counter-reformation in the cities, and names Waterford as "the town that did first refuse to come to the Church". [5] How far the reaction from the status quo must have swung at the earlier stages of the Reformation in the Irish cities is shown in a letter of Bale, the Bishop of Ossory, one of the pioneers of the Reformation, who flourished in the reign of Edward VI. and Mary. "I took Christ's testament in my hand and went to the market cross, the people in great numbers following. . . . The young men in the forenoon played a tragedy of God's promises in the old law at the market cross, with organplainges and songs very aptly. In the afternoon again they played a comedy of St. John the Baptist's preachings, of Christ's baptism, and of his temptation in the wilderness to the small contentation of the priests and other Papists there." [6] This is one of the few glimpses we get of urban life at that time, and it reveals in Kilkenny that the predominent sentiment was hostile to the Status Quo.

These plays were quite a feature of the period, comic as well as sacred being associated with the Church. Dr. Jones, the Bishop of Meath, fell into grave disgrace for attending a comedy one Sunday afternoon in Galway in the Church, where actors, dressed in women's caps, "challenged to themselves the names of Her Majesty's Commissioners", "rising up and making courtesies", and

1) C. S. P. 1590—341. 2) C. A. H. Appendix VI—28. 3) C. S. P. 1606—463. 4) C. S. P. 1604—218. 5) C. S. P. 1595—487. 6) Harleian Miscellanies VI—411, 412.

"going in a disguised sort through the streets, crying room for Her Majesty's Commission", to the horror of all loyal subjects, and the delight of the ribald. [1] The Nuncio at Brussels regarded it as a favourable sign that Queen Elizabeth on her accession forbade all religious comedies, whereby "the corrrupt populace made mock and scorn of the Catholic and true religion", but the custom of acting in the precincts of the Church seems to have survived for another generation in Ireand. [2]

That the upper classes of urban Ireland should have been the first to start the counter-reformation is significant of much. Their secession was accompanied by that of many of "the civil gentlemen of the Pale". In dealing with this question, however, we must remember that the clean cut cleavage between the Church of Ireland and Roman Catholicism was not so wide as we know it to-day, and that what constituted Roman Catholicism, and what constituted Protestantism it is nearly impossible to define at that period. The whole question approximates very closely to the relations between the High Church and Evangelical Schools in England, with a large number outside both folds, pursueing their avocations in indifference, save with the proviso that economic and political conditions were strongly on the side of the subsequent drift towards Roman Catholicism.

The material considerations were many and manifold, and the theological not a few. While the State was parcelling out the abbey lands, the gentry were enthusiastic, and to a lesser degree the burghers, on novae res. When the State began to exercise its other functions of taxation, confiscation, cutting down "uncertain exactions" and inquiring into titles and examining City Charters, that enthusiasm waned. It was men like Shane O'Neill and the Earl of Desmond who first laid down the tradition that he who desired to assail the State should do so for religious reasons. A religious war had great merits. It mobilised the pious. It secured the aid of the priests. It opened a possibilty of of assistance from the Papacy or Spain, financial and possibly military. To modern morality nothing is more astounding than the ease with which great and honourable men took the Oath of Supremacy on the Bible, and then an Oath of Allegiance to the Pope at a Mass.

1) C. S. P. 1589—179. 2) Rome 1559—9.

Lest the reader may be unduly shocked it should be remembered that these men regarded this question as of little moment, and these oaths as but political alliances, to be broken off as easily as a diplomat severs relations, or a modern politician crosses the floor of the House.

On the accession of James the Government became unpopular. Peace was established and with peace its great justification—the function of a policeman—vanished. The great Lords and many of the Squirearchy and burghers began to see the Crown now in the light of a taskmaster, and not a protector. Instinctively they concentrated on its weakest flank—the question of religion. The Deputy was a Protestant ruler. The State was a Protestant state. That curious instinct of self preservation, which makes the political drift of whole classes, so uncanny, caused the Irish aristocracy and plutocracy to veer steadily towards what may be defined as the extreme right in religion. In every demand they made from the weakening Crown they gave religious reasons. Nor was this a peculiarity of Ireland. The aristocracy of Scotland were militantly Calvinist when assailing Mary Queen of Scots. Rudolphi has put it on record that the overwhelming majority of the English Lords—hostile to Queen Elizabeth—were favourable to his famous plot, being "good Catholics".[1] In the reign of Charles, when the Crown of England was slightly affected by the counter-reformation, the rising squirearchy and the bourgeois were militantly Puritan, and were led by the sons and grandsons of the identical men, who were intriguing with Mary and the Papacy seventy years before. Religion at this period was very much the same as liberty to-day. Property that is conservative in one age is democratic in the next —aye even to the point of revolutionary—and, when it has achieved its aims, and captured the State, reverts to laudations of the Status Quo. In Chichester's Parliament thirteen of the Temporal Lords were Roman Catholics. What was more nearly all the large landed proprietors were Roman Catholic. Save for the Earls of Thomond and Mayo and Roscommon and, a later stage, Ormonde and the Earl of Cork, all the great estates were Roman Catholic. The tradition of vast confiscations in the interests of Protestants is based on the agrarian and inaccurate manifestos of the great landlords,

1) Rome 1571—400, 412.

who detested Plantations. Suffice is to say that, in 1645, when the Protestants were exaggerating their share of the taxes on land, all they claimed was one-third, while the Roman Catholics boasted they paid nine-tenths.[1] Great wealth, ever hostile to the Government of the day, was militantly Roman Catholic in Ireland as it was Puritan in England, Calvinist in Scotland, and Hugenot in France. So much for the relics of feudalism like Clanricarde, Barry, Muskerry, Roche, the last of whom did not become Roman Catholic till the end of the reign of James, Barrymore becoming Protestant at the same time.

The gentry and Lords of the Pale were in a different category. Many were the sons and grandsons of the early Tudor Statesmen. Their hostility to the Crown is one of the features of the Stuart epoch. They were the rising power in the land, the sons of the officials and the bourgeois who had been the bulwark of the Crown all during the era of storms. When feudalism and septom waned they throve, the harbingers of modernism, "civility", purchase, law, and sanctity of contracts. They could not forget the Crown owed much to them, and what they demanded—full control of the State they had created—neither the Crown nor—as it proved—the country would give. Being men of culture they could appreciate the subtleties of high theology, the converse of an educated friar, and dislike the rough propaganda of the Puritanism, which the new settlers brought with them, the new men, now the favourites where they once reigned, the new officials in the posts their fathers adorned. From the nobles of the Pale was destined to rise an Ultramontane tide that all but swept the Crown for ever out of Ireland. In this quarter—and not in the relics of Celtic septon—were germinating the seeds of a great upheaval. It was to them the Roman Catholic Bishops, the priests and the friars looked to restore Ireland to the See of Rome by civil means, by absorption of the law courts, the corporations, the magistracy, grand juries, the minor judiciary, and the land. The only residuum of power they could never absorb was the Council and the Army. That was the personal menage of the sovereign. In the early days of James the majority of the Roman Catholic Bishops came from this pacific but dominating and advancing class.

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1) C. A. H. Appendix V—16, 25.

The cities are a more complicated subject. In them the religious question loomed large, as they alone in Ireland had peace and tranquillity within their walls to mediate on such matters, while elsewhere men saw life and liberty in daily peril. Parliamentary and municipal records alike show that the Crown could always depend on the burgher class to carry out its religious policy. It was in the cities only that the Act of Conformity was enforced, and the city corporations seemed to regard the repair and maintenance of the churches, associated with the Established Church, as one of their municipal functions. Nevertheless the City burghers could not but be affected by the new type of Roman Catholic Missionary that Rome was sending forth, a type bound to effect the mentality of the only class in Ireland that seem to have been really affected by theological considerations, though we must not forget that what applies to the cities is not inapplicable to the Pale gentry. Like their confreres who spread over the Pale these friars took very good care to display no sympathy with the anarchs of the hinterland.[1] It is most significant, that, while the Lords swore and counter swore religious oaths, all during the reign of Elizabeth, the secession of the Cities began in the 10th year of Elizabeth's reign, the year of the excommunication of Elizabeth, an incident bound to affect a certain class of mind. The movement, which began in that year, spread through the mercantile classes, and culminated in an abortive appeal to force on the accession of James, after which date the older burgess families may be regarded as open recusants.[2] It was a slow and steady movement, beginning with the women, and by degrees affecting the aldermen and councillors. In 1595 "even the towns and townsmen of this land" were suspect in high quarters on matters theological.[3] Miler Magrath in his "book of Ireland" regards the cities as the coming peril, as the source of all theological onslaughts, being governed by what he calls "the practising Papists, which, under pretence of religion, will venture life and living, dangerous and crafty, being the strongest, the wisest, and the most learned sort."[4]

These may seem hard words, but Miler Magrath was the ablest Irishman that ever guided the steps of a Tudor Executive. He was

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1) Cat.—55, 56. 2) C. A. H. Appendix VI—21. 3) C. S. P. 1595—6—487. 4) C. S. P. 1592—45, 493.

a remarkable example of the ward politician in high politics, who knew everything there was to be known about the seamy side of Ireland. His analysis of the forces then and likely to be at war with the Crown is a marvel of political acumen, absolutely justified by subsequent results. In that reference to the cities he put his finger on the element that would "fly out" the moment the great Lords were crushed. The cities had now got everything they wanted from the Crown. If the Crown extended its powers any further it would be to curtail the charters of these cities. It would not tolerate independent States. Being themselves "the strongest", once Hugh O'Neill fell, they would be compelled to "fly out", and they did "fly out under pretence of religion" with lugubrious results. Miler Magrath was a great Statesman. He was also a great Archbishop. At the very moment when he was a prelate of the reformed Church of Ireland, indicting sage councils such as this, advising Elizabethan Statesmen how to deal with truculent chieftains and cautious merchants, he had also a second string to his episcopal bow. There is lying in the Papal archives a letter signed by this worthy Prelate. In complains of "evil colloquies, multiplied in Ireland so that none fear to utter derisive and unseemly words against the Catholic Religion". It proposes, as a remedy, the establishment of the Inquisition in Ireland, "under the sway and jurisdiction" of Shane O'Neill, then in open rebellion.[1] One instinctively wonders what reception the other Irish Lords would have accorded to an Inquisition held under such auspices, and what language Elizabeth would have uttered, if this document had been laid before her iron visage.

Of the commonality we know very little, All the documents of the period ignore them. Where references are made to them "ignorance" is the stock term. We may safely deduce that religion, in the modern acceptance of the word, had very little hold on a people who were as serfs in the eyes of their Lords, not even worthy to be cannon fodder in a "rising out". In the very low standard of comfort, the atmosphere of violence, the slow decay and final collapse of the spiritual power, and the very absence of Churches—there were only four left standing in the whole. Diocese of Elphin —make it an absolute certainty that, save for certain rites,

1) Rome 1657—267.

customs, and habits—tradition rather than conviction—barbarism is perhaps the best epithet to apply to "the meaner sort" at the close of the Elizabethean era. An Irish Papal Missionary makes the following summary of popular indifference to the great theological war, and of the ease with which the multitude could be swayed one way or the other by the personality or eloquence of whosoever came amongst them? "The demoralisation of the people is such that a pious Catholic is hardly to be found. Gross is the ignorance of the people. However it needs but the reproof of a good man, and forthwith they are dissolved into tears, lamenting that they knew not such things were sins."[1]

Nevertheless we know that by the Revolution the majority of this "meaner sort", if they inclined any way, inclined towards Roman Catholicism. What may be loosely called "pressure" no doubt had a considerable effect. A variety of considerations made the Lords, Major gentry, and City burgesses incline towards the Counter-Reformation. The commonality in Ireland at all periods imitate their betters. The ideas with which they play, their habits, customs, and outlook on life are only those of the upper classes of a previous generation. At a period when all religious conviction was rather a matter of taste than conviction, the lower orders, where they were under the control of their Lords, were bound to be affected. "No people", one time wrote Strafford, "under the sun are more apt to be of the same religion with their great Lords as the Irish be".[2] The Hamiltons reserved all their leases for Roman Catholics.[3] Territorial power was Roman Catholic even in the Ulster Plantation. The only case on record of a territorial magnate using his agrarian authority to further the Reformation and stay the Counter-Reformation was the Earl of Cork, and a few—very few—of the Ulster Undertakers. His muster-roll was enormous for that period, and he says there were no Roman Catholics on his Musters.[4] Some authorities have put the Protestants in East Cork and West Waterford at 10.000. This however is a unique case. Great territorial possessions as a rule were militantly Roman Catholic and regarded the Church of Ireland in a far fiercer light than an English Squire to-day regards nonconformity. One of the

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1) Rome 1571—468. 2) L. S. II—19. 3) C. S. P. 1630—510. 4) C. M. S.—88—91, 552.

objections Strafford had to the Earl of Antrim was that when he was economising he dismissed only his Protestant servants.[1] We get another glimpse of this silent pressure in a report of the Bishop of Ferns in 1612. "They told me that if they should be of our religion no Popish merchant would employ them, no Popish landlord would let them lands nor let them houses in tenantry".[2] We get another in the reiterated allegations that the London Corporation allowed clerical intimidation, on their estates.[3] The Bishop of Clonfert relates that the excommunications of the friars had more effect among the populace than the writs of the King, owing the territorial power that lay behind them.[4] At this period this form of pressure was powerful, far more powerful than can be easily visualised to-day. De facto the greater Lords—outside the Plantations—were masters of their areas. Their agrarian power was autocratic, because their judicial powers were almost independent. Sweeping patents, feudal and manorial privileges, little Statute Law, and that but timidly enforced, gave them a dignity and power of which modern Europe knows little. The older Corporations also had very much the same powers. It was not till about the end of James' reign that these powers began to disappear. We thus have the very curious situation that, when the Reformation began to affect the upper classes, their powers of control over the lower were disappearing, and that, at the earlier period, when they were usually Roman Catholic, they were in a position to impose that doctrine on the serfs. Accordingly when James came to the throne the position was this. The masses had no fixed belief. Two-thirds of the great estates, and all the older Corporations were not only enthusiasts on the Counter-Reformation, but in a position to impose its doctrines on their inferiors. What was more these Landlords and great Corporations were often hostile to the State, and that hostility was expressing itself in religious agitation and local pressure. It accordingly stood to reason that the indifferent multitude took the line of least resistance. "We loose daily to them", ran an official report at the end of James' reign, "either through the dismay they conceived by their growth, or by the hopes they had of advantages to be derived from the prevailing party".[5] In certain of the Southern cities, where municipal differences made the

1) L. I. VII—531. 2) Commissioners of Public Records. Reports. Vol. I—264.
3) A. H. V—56. 4) C. S. P. 1625—1660—258. 5) C. S. P. 1623—458.

multitude band together against the burgesses, and fall back on the Crown, there was some opposition to the trend. In Dublin where the Crown was militantly Protestant the great majority were against the friars. In the rest of Ireland the drift was towards the Counter-Reformation. Towards the reign of Charles we begin to detect the spread of religion among the masses. In 1626 there were over 2.000 people at Mass in Multyfarnham.[1] At Newmarket Sir Richard Aldworth reported as a curious phenomenon in 1628 a Mass of 2.000 people.[2] In Dublin by 1630 there were fourteen Roman Catholic chapels, and no small number of attendants, who were numerous enough, on one occasion, to riot.[3] In Tyrone no less than 20 priests were ordained at one visitation, thus betokening a very large number of Roman Catholics in the Hamilton compound.[4] In Longford another "large assembly" appears in 1623.[5] In the Londonderry Plantation there were eight Roman Catholic chapels and 24 priests, whose dues exceeded the rent paid by the Corporation to the Crown.[6] The Country of Cavan—thoroughly well planted by James—was nearly all Roman Catholic except the local country town. In 1622 "a great multitude" of Roman Catholics met, and fluttered the official dove-cots.[7]

The reasons why the Plantations were so Roman Catholic is easily explained. The Undertakers were men with no local following, strangers, weak, unwilling to exercise the pressure of the Irish Lords, and, being merchants and business men, more concerned with the price of produce than the creation of political power under the guise of religious propaganda. To men of this calibre a priest was a protector. In Derry for instance, the agents were personae gratae to the priests and vice versae, and the authorities always alleged that as a result the tenants suffered.[8] Furthermore the average small country landlord of the Church of Ireland was bound to regard "the banishing of Popery" as the business of the Government, while the active and restless Irish Lord on the warpath against the Government found it vitally necessary for his political purposes to see that all his tenants refused the Oath of Supremacy as he did. Lastly no small number of the Jacobean Planters were Puritans, and to them Bishops,

1) C. S. P. 1624—164. 2) C. S. P. 1628—357. 3) C. S. P. 1629—442, 500.
4) C. S. P. 1530—512. 5) C. S. P. 1623—433. 6) C. S. P. 1633—643—644.
7) C. S. P. 1623—432. 8) C S. P. 1625—1660—207, 210, 211.

Churches and the Establishment were far more obnoxious than any form of Roman Catholicism, such being the temper of the times. We may accordingly take it for granted that the greater part of Ireland was Roman Catholic on the arrival of Strafford, but one should be very careful not to confuse the religious dissensions of those days with those of to-day, to assume a hard and fast rigid line of demarcation, or to imagine that the religious map then was what it is now. All the country towns, for instance, were strongly Protestant.[1] How thin the cleavage was is shown by the fact that in 1613 forty Connaught priests joined the Church of Ireland, in Knockfergus a similar episode occurred, Bedell's personality changed the views of no small number of the Cavan priests, while the Roman Catholic reports to Rome frequently refer to converts in large numbers.[2] We get another trace of this remarkable confusion in the following deposition "and then Art uttered these speeches and said Bryan, "Thou art a Churchwarden and yet thou disobeyest thine instructions. Thou hast had 16 Masses said in thine house, and thou gavest the priest a white cow"."[3] These facts alone stand as a warning to those who translate into the seventeenth century the terminology and outlook of the twentieth.

On the collapse of the Spiritual Power as an independent entity the State took on itself the function of supervising matters Spiritual. The average follower of the Reformation looked to it to safeguard this great movement, to withstand any attempts at a counter-reformation, and to prevent it drifting on to the rocks of religious anarchy. An Act was passed empowering the State to enforce uniformity, to fine seceders or absentees from Church, and to enforce the Oath of Supremacy on all Bishops, clergy, officials, mayors, and whosoever sued out a livery in the Court of Wards.[4] These were passed nem con on the accession of Elizabeth by the Irish Parliament and generally submitted to by all who sought the Imperial Protection. The great upheaval then followed, and, when peace was restored, this was all the penal code the State possessed to cope with the fast advancing tide of the Counter-Reformation. No more Statutes could be wrung from Parliament. To enforce these would have caused a violent upheaval, and, even

1) C. S. P. 1606—466—8; 1607—250. 2) C. S. P. 1606—468, 469. 3) C. S. P. 1615—54. 4) C. A. H. I—312.

if the State had the power, there was not a lawyer who could not drive a coach and four through them. To enforce the Recusancy Statute alone required a presentment from the Grand Jury and a majority on the Bench, neither of which the Government could procure. England, in the meanwhile, had passed a drastic code incapable of evasion, and pious Roman Catholics, lay and clerical, migrated in large numbers to Ireland, just as the Puritans, at a later period, fled to New England. In 1606 an official warned the authorities of a threatened immigration of English who would "make dens here". [1] In 1612 Ireland was reported to be "swarming with English Recusants for the laws have no power to touch them". [2] Some years later accordingly Charles commented gloomily on "the simple nature of the natives of the Kingdom of Ireland which, by experience, we have found to be far tractable among the rude Irish than among the unconformable English". [3] At this stage the attitude of the multitude was very casual. A great official in County Cork relates how after canvassings and objurgations he produced a state of affairs whereby all the neighbourhood came to Church, "though they understood little or nothing when they came", a complaint frequently reiterated in the letters of the Papal missionaries. [4]

During Elizabeth's reign none of these laws could be put into force. The State was on active service, and did not care if her swordsmen were Mahommedans, provided they wielded their swords for, and not against. Save for a few Recusancy prosecutions in Dublin there is no record extant of the interference of the State in any way on religious matters. The Elizabethean Statesmen loathed the very mention of the word. Men, money, and arms was the great desideratum, and not prosecutions for obscure points of theology. The letters of the Bishops teem with complaints that, while the friars were supported by the Lords, they were supported by no Statesman, and that even their preachings were censored, being forbidden to discuss what was in their eyes the great question of to-day. "Long before the decease of our Sovereign Queen Elizabeth", said the Mayor of Waterford "Mass was daily and openly said. The priests and their places of abode have been very well

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1) C. S. P. 1606—544. 2) C S. P. 1612—290. 3) L. P. 2. s. II—201.
4) C. S. P. 1607—102.

known to the Bishop who never accused any priest".[1] "The Statute made in the second year of Queen Elizabeth was never put into execution" said the Recusant gentry in 1632.[2] "At this time" said O'Sullivan "there was no persecution of the priests . . . . As soon as the war broke out they at once ceased persecution", which development this eloquent defender of Roman Catholic feudalism, perhaps with some truth, regards as an example of Punica fides, as it retained in the Royal camp allies that the anarchs much desire. During all the reign of Elizabeth there is not one example of a lawabiding Roman Catholic being assailed, of a priest being touched or imprisoned, save for joining in a rebellion or carrying letters of a seditious nature from Spain, except, of course, in Dublin. Ireland was the only country free, at that time, from religious persecution. For this the Crown had very good reasons. A priest—not a belligerent—was bound to recoil from these bloody wars. The mentality of the cleric is averse to the sword, save when the odium theologicum is in the ascendant, and this Elizabeth was determined to lull. A Chaplain in the Lord's House was, after all, a sign of "civility", one who might restrain him from hanging peaceful subjects on his private gallows. Nor were many of the priests enamoured of the champions that Rome recognised. Where the Queen's Government extended a priest could pray in peace. Where some of these great barons ruled there was no law—neither of God nor man, because these dynasts would allow no man in their areas who "had not their dependence" on them and them alone. Hence "many priests and friars" disowned the Papal champions.[3] This was why, what O'Sullivan called "the worser part of the priests" persuaded the Recusant gentry in Chichester's Parliament to legalise the Ulster Plantation.[4] This was why "the priests of the Pale encouraged the Lords and gentlemen to continue their allegiance to the Queen, despite all the threatenings and promisings of the See of Rome and the Declaration of Salamanca".[5] The rising Spiritual power of the Roman missionaries knew that its efforts were vain, save where the Pax Imperii prevailed. The voice of the clerk is like the vox clamantis in deserto when the hill tribes are raiding the vales, and the baron exacting his coigne and livery. The alliance of the Executive and the priests may not have

1) C. S. P. 1603—29. 2) Cowper. M. S. S. I – 481. 3) Cat.—55. 4) C. A. H. James I—21. 5) T. C. D. F. 3. 16.

been enrolled on parchment, but the understanding was there, nevertheless, a friendship, "in odium tertii", to be dissolved when Peace was achieved. Here is one glimpse of that alliance. "The bearer Sir James, a priest, an Irishman much commended for his good service. He is a mortal enemy of traitors and discoverer of their pretences."[1] Hence, at the period when England rang with prosecutions, Ireland was completely free from the odium theologicum, as far as state affairs were concerned. Elizabeth was determined to have no martyrs. As Sir John Davies put it "Ireland though it has many saints did never produce a martyr. No man ever heard or read of an Irish martyr".[2] Accordingly, while the Counter-Reformation first captured the Lords, and then used their agrarian authority to sway the multitude, the exponents of the Reformation were cooped up in the cell of State policy, and only met with austere frowns when they demanded a free hand. Burleigh and Walsingham would not have the subject mentioned. Tyrone, Desmond, and McCarthy More talked of it, wrote of it, adjured their agents to preach it, with one eye on Spain, and the other on possible dissensions in the Royal Camp. By the accession of James the Counter-Reformation was dominant in Ireland.

James tried to enforce these Statutes, but it was a lugubrious, nay even a comic affair. His most loyal subjects were Roman Catholic. His most powerful subjects were Roman Catholics. There were Roman Catholics on the Council. The majority of the Magistrates, of the Corporations, of the army were Roman Catholics, and there would have been a majority in the House of Commons, if it had not been for the new Boroughs. An effort was made to enforce the Recusancy Statute in the Cities, but, despite the joy of the meaner sort, on whose charities the fines were spent, it was a failure. Unable to procure a jury the authorities hit on the idea of using the Council Board, or the Provincial Councils as Courts, and thus imposed fines on several hundred burghers. In the end the fines imposed were remitted. In Dublin some prominent citizens were ordered to go to Church and fined for refusal. Promptly they made secret feoffments of their goods, and the fines could not be collected. Indignant Lords strode over to London, and demanded an explanation of "this new policy". As

1) C. S. P. 1591—407. 2) C. S. P. 1611—153

the Government was in a tangle of difficulties over agrarian matters, as the majority of the Council were relatives of the Lords, and, as few were exactly theological enthusiasts, this policy had to be dropped. The thing was sheer madness when we remember there were whole areas without a Church for people to go to, peculations having destroyed the fabrics. In the end the Government gave way. Two documents enshrine the state policy of the Stuarts, after the effort to use the State aid had collapsed. "We object to extraordinary courses. We intend no connivance that imports toleration, or that one rule is to be peevishly applied to all, but, where a public affront is offerred, the authority of the State alloweth a discretion of extraordinary punishment. As for the vulgar their instruction ought to be used, and moderation to gain by degrees. When you consider how universally that corrupt religion is spread, how deeply rooted, how lately the people have been reduced from rebellion, and how prone they are to relapse, the cost of the late war, how readily some would nourish any discontent in Ireland, we cannot hope they can be reformed by severity. Merely for recusancy of coming to Church or secret exercise of their superstition you are to use no other than the lawful course", and the lawful course envolved a Roman Catholic magistrate and a Roman Catholic jury.[1] The second is James' speech to the Recusant gentry: "I will not ensue or extort any man's conscience, provided all my subjects acknowledge that it is not lawful to deprive me of my Crown."[2] Thus ended, for the time being the effort of the Crown to exert its authorities in matters theological. The Dublin Executive was obviously hostile to the policy. There were at least three Recusants on the Council. Men, like Sir John Davies, held that the times were not ripe, and called it "a preposterous course".[3] The bulk of the Council had enough mundane troubles without adding this storm, and a touch of comedy is lent to the whole transaction by Chichester's piteous appeal to London to withdraw two stern and uncompromising Scotch prelates as "hot spirited and griping men not fit for these parts".[4] Governments as a rule make a very poor hand of matters spiritual. The Recusancy Statute however lingered on in Dublin, "in regard the eyes of all

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1) C. S. P. 1607—138—9. 2) C. S. P. 1614—547. 3) C. S. P. 1606—466. 4) C. S. P. 1612—241.

the Kingdom are upon it".[1] Its occasional exercise there, however, seems to have been regarded with as much equanimity as the well known veto on religious processions in Belfast is tolerated to-day. The effect of this defeat was soon apparent in a country which always follows the big battalion. The Manifesto of the Royalist Committee in 1644 relates how "recusancy became general about the middle of King James, his reign".[2]

What however chiefly affected the counter-reformation was the activities of the missionaries who trickled into Ireland all during the reign of Elizabeth, and poured into Ireland once peace was established. A reform party had risen in Rome. Macaulay, in a famous passage, has immortalised its activities, and one of those activities was to send chaplains to the Irish gentry, and friars into the Irish cities, who frequently were physicians. The majority of them seem to have been sons of minor gentry or city burgesses. Few, if any, bear Celtic names, which reveals the fact that they did not come from the Septs, but from what the State Papers call the "civil" families. Orthodox history assumes that they were belligerents. These were chiefly Spanish emissaries. The majority could not have been for two reasons. If they had been, they would have been noted in the State Papers, the Intelligence Service keeping a very sharp eye on such gentry. Priests as great enemies of State seldom appear, Vague references to "the priests and friars" there are, but this should not blind us to the fact that if, as a class they were belligerents, they would have had very short shrift in those terrible wars. These casual references are chiefly confined to men like Luke Archer, Tyrone's great supporter, and Creagh, who came to Ireland to stir up an upheaval, and seems to have been thoroughly disillusioned by Shane O'Neill's iron regime, not to speak of Tirlough O'Neill's, which was not more gentle or pious.[3] The silence as regards the priests —save a few mentioned by name—all during the reign of Elizabeth, admits of only one explanation, and that was that they were not belligerents as a whole. As the majority lived in the cities and in the Pale, where their flocks were averse—very averse—to blood and revolution, we may safely assume that, if they were not actively on the side of the Crown, they were certainly not

1) C. S. P. 1613—380; 1621—329. 2) C. A. H. Appendix VI—21. 3) C. S. P. 1593—205; S. O. I—45—50.

enthusiasts for dynastic dominance. The tradition of belligereney is based on the constant intrigues of Rome and Spain, both of whom were seeking to use Ireland as a pawn in high politics. They were sadly disillusioned. The few Spanish sailors who struggled ashore from the wreck of the Armada were butchered, only a select few being made prisoners. A private letter of the period from Mayo says "68 Spaniards drowned and slain at Clure Island. 72 Spaniards taken by William Burke, McLoghlin, McCrab". Stukely's expedition to Kerry was a dead failure, which was only to be expected, when its original leader was a small English farmer who persuaded the Papal authorities to entrust him with troops, by a story that he was Duke of Leinster, and had hostages from all the Irish aristocracy, gyved in the dungeons of his many Castles.[1] The Papal Nuncio in Spain refused to touch him.[2] The Roman Catholic Archbishop of Cashel first supported him, and then dispatched to Rome an indignant protest against employing such an agent.[3] The gullible Cardinals however were completely taken in, and sent him forth with men, money, a blessing, and disastrous results. Don Juan D'aquila's expedition to Spain was quite as humiliating. Of the 15.000 soldiers the Deputy marshalled, O'Sullivan laments that "scarce, 2.000 were English".[4] All the great Roman Catholic nobles assailed the invaders. No pious jehads came from the Irish priests. Even the invading force was wrocked with "disputes between the Captains and Matthew Oviedo, Archbishop of Dublin".[5] "Traitors to their country and fawners upon Spain" is the comment of an Irish Capuchin of the period on Don Juan's Irish allies.[6] The only effect of the attack was to give the Papacy a very bad name in Irish Roman Catholic, circles, among men who wished to live at peace from Ulster swordsmen and Spanish philibusterers.

The first appearance of any large number of priests on the side of those demanding "liberty and religion"—this was the customary war cry—was on the occasion of the revolt of the Cities, which, of course, did not occur till there was no danger of Hugh O'Neill's stepping in. In the cities that revolted the priests led the revolt. In those that did not revolt we notice no politico-

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1) Rome 1571—379—381. 2) Rome 1571—376—377. 3) S. O. I—62, 64, 66—68. 4) Cat.—145. 5) Cat.—141. 6) Franciscan M. S. S. 105.

religious activity, and neither Galway, Limerick, or Dundalk, were "desturbed areas". The Chaplains of the Pale gentry also kept very quiet. On the suppression of the revolt the Crown fined several offending laymen, but cautiously turned a blind eye to the activities of the priests, of whom it seemed to be becoming remarkably afraid. The pious O'Sullivan relates how the Viceroy at Kilkenny, despite very independent clerical action and language, "on account of the difficulties of the times, and the anxieties which perplexed him treated the monks with civility".[1]

From the letters of the Missionary priests we can extract some idea of their character. It should be added that they were far less in number that is supposed. The total number officially recognised by the Papal authorities in 1613 was 800 seculars, 130 Franciscans, 20 Jesuits, and a negligable number of Benedictines and Dominicans.[2] This official record shows how little reliance can be placed on the letters in the State Papers, which speak of large numbers, "swarms of locusts", and "a regular invasion". Such letters were probably due to official panic, or penned with ulterior motives. Many of the documents in the hands of these friars are couched in perfect Ciceronian Latin. Where English is used it is clear, concise, and restrained, betokening educated men. This is all the more remarkable as the letters of great State officials, men of no mean culture, are frequently slipshod and ungrammatical. The explanation is simple. They were all educated at the Continental Universities, which were then at the height of their reputation. The names are nearly always those of the City Bourgeois, or the "civil gentlemen" of the Pale. Education was coming into vogue. Trinity College in Dublin was of little or no account at this period, not developing till the middle of James' reign. It is true that certain of the greatest of the Irish chiefs had been to Oxford and Cambridge, but the fashion did not seem to percolate down to the middle classes. Even the Continental Education only began in the Elizabethan era. Sir Frederick Barnewall, the leader of the Dublin Recusants in the reign of James, was the first "gentleman's son of quality sent abroad for his education".[3] The explanation of a continental education is partly the close connection between the port towns

1) Cat.—179. 2) A. H. III—301. 3) C. S. P. 1613—394.

and the continent, and the exceptional facilities offerred by the Papacy in certain of the Universities. Any young Irishman of good character and moderate rank could get a free education at Salamanca, if he became a priest, and, at a moderate fee, if he did not. The rising Middle class—the class from which the clergyman springs—adopted the practice towards the end of Elizabeth's reign, and no small number of these young men came back as priests.[1] What added to the tendency was that this class was disqualified for the trade of swordsman. We thus have a class of clerics entering the country, belonging to the one class that had culture, themselves educated, and what was more Irish themselves.

The Irish Church on the other hand was severely hampered. Its supporters in the Country were the minor gentry of the septs, and this class—not by any means cultured—were very severely hit by the agrarian settlement, by the past war depression, by all those causes which beset the Squire Class at an epoch like this. They certainly could not send their sons abroad. Trinity College was a mere boys' school. We may be sure too that the advowsons in their gift they bestowed on their sons and nephews without any previous education, they themselves having little or none. All the authorities of the period speak ruefully of the general standard of the education of the native clergy. Add to this that actually a majority of the advowsons were in the hands of Roman Catholics, and we get the reason why parishes were frequently without a parson, and many of the incumbents were not men that parochial nominators would chose to-day. In practice over two-thirds of Ireland there was a Roman Catholic veto on the nomination of the clergy. One of the causes that had led to this situation was that, the possession of a dissolved Monastery was accompanied by sometimes more than a dozen advowsons. Elizabeth made an effort to import Englishmen, but there where great reasons of State against this, at a moment when the Crown was straining every nerve to procure friends. Out of 52 Bishops nominated in her reign, only 16 came from England, though there are 8 whose origin is dubious.[2] Even this remedy however was worse than the disease, as the newcomers were completely at sea in Ireland.

We thus have an organised and cultured body of men spread-

1) C. S. P. 1595—487. 2) Mant. Church of Ireland—285.

ing over the land all through the reign of James just the kind of men who would be personae gratae to the Irish Aristocracy, able to advise a rude Lord on matters of State and matters of law, he being more adept on a horse or with a sword. Davies calls them "diligent in their several charges", points out that, if they were otherwise, "the people would not receive and nourish them as they do", and calls on the Powers that were to bestir themselves, desist from severe courses, and concentrate on reorganising the Church of Ireland, which lay bankrupt, despoiled, entangled in a mesh of difficulties, unable to feed or defend even its own Bishops in many cases.[1] In County Cork nearly "every gentleman hath his priest", and one of the greatest of the Church Impropriators had a private Monastery where dwelt "sturdy fellows well fed and warm", from which we may deduce that the missionaries did not fare ill, despite the persecutions with which the political diatribes of the period rang.[2] By 1612 they "were more common than good ministers".[3] In 1613 they had reached Ulster which was far back in the early Tudor Stage. Davies relates that "all the people of the Province, at least the multitude, are apt to receive any faith".[4] What form of religion was practised there no body knows, as for nearly a century it had been in bloody chaos, without any clergy worthy of note.[5] The majority of the incumbents held by orders from Rome. In Monaghan they nearly all conformed on the arrival of the first Royal Commissioners.[6] In Armagh they refused.[7] In Derry about half refused and half conformed.[8] In fact both the friars and the Jacobean Statesmen speak most censoriously of the state of clerical intelligence in both denominations in those regions where, what is loosely called "civility" had not percolated. A deposition in the State Papers describes an austere friar reforming the native and bucolic priests, wrestling with those identical evils against which the Reformers had thundered and prevailed in England.[9] Rinnucinni in 1644 encountered some of this calibre, and was horror-stricken at their mediaeval peculiarities.[10]

These missionaries should be very carefully distinguished from the native priests in the more remote parts, who had never

1) C. S. P. 1606—476. 2) C. S. P. 1607—133. 3) C. S. P. 1612—244. 4) C. S. P. 1606—464. 5) T. C. D. F. 3. 16. 6) D. H. I—240. 7) C. S. P. 1605—332. 8) C. S. P. 1611—3. 9) C. S. P. 1611—3; 1613—430. 10) R. E.—143.

been abroad and frequently held rectories in the gift of some local potentate. We find them frequently in the Visitations under the heading of "illiterati, infecti papismo". "Praecepi meum clerum a scandalosis conversationibus, et illictis actibus abstinere, et, quoscunque clericos aliter degentes inveni, rejeci". So writes one of the new dispensation summarising his achievements in Cavan.[1] The deposition, mentioned above, describes unfrockings and expulsions by the reforming friar. Davies, who never omits to say a good word for priests of the Pale and Cities, is ribald in his comments at the expense of those in the hinterland. Between the Pale and the rustic priests also there was friction, which is natural if the former were like the stern friar in Derry. "Being born and educated in cities and corporations we are the more civil in manners and education" wrote the "civil" priests to Rome. "If we talk", retorted those of the hinterland, "about civility of selling and buying there is no doubt those born in cities have more opportunity to acquire civility. But, if the question be the civility of good manners, hospitality and charity, it is certain the exercise of such virtues flourish much more among us, than those whose predecessors exercise the arts of acquiring worldly possessions". It is to be hoped the Cardinals at Rome were able to understand this controversy.[2]

We thus arrive at a most curious situation. Roman Catholicism became an effective and dominant spiritual power in Ireland under the aegis of the Imperial Power, nurtured and fostered in the loyal cities and the loyal Pale, loyal be it noted to an Imperial Power that passed in Europe for the standard bearer of Protestantism. The explanation is simple. No spiritual power could exist in the feudal compounds. The Irish Monocracies were determined to allow no rival in their Kingdoms, no man on whom the kern could "have their dependence", other than the baron himself. The belligerent friars whom they admitted they dismissed as soon as they had served their purpose. Many of these chieftains were great men, honorable and honest, generous and chivalrous, but, in the great upheaval of the period, they could not afford, nor were they by nature inclined, to allow a revival in any shape of a spiritual power, independent of themselves.

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1) A. H. V—81. 2) Franciscan M. S. S. 89, 90, 91.

Conversely the Papal missionaries found in the Imperial aegis the one force which tolerated their activities, and in the Imperial Kingdom the one place in which they were sure of that peace, without which they could not operate. Lastly the Imperial Government connived at them. Where they went there was more chance of peace than in the places where they were not, and to touch them would alienate both them, and their many friends. In the reign of Elizabeth, James, and Charles—down to the Revolution—there is no case of a priest being touched, save for sedition or treason. "I do constantly maintain", said King James, "that no Papist, either in my time, or in the time of the late Queen, ever died for his conscience".[1] "Queen Elizabeth and my father", said King Charles, "did ever avow that no priest in their time was executed merely for religion".[2] They were as free as the Clergy of the Church of Ireland, with one or two very minor regulations of which more anon. There was also no act on the Statute Books by which a priest could be assailed.[3] The utmost the State could do was to prosecute for "bringing in a foreign jurisdiction", and any lawyer could tear to shreds a prosecution based on this Statute.

The authorities however could not ignore the activities of belligerent priests, men who were agents either for the exiled Earls, for Spain, or for ill disposed subjects. It was during the reign of James that this political phenomenon began to appear. As Roman Catholicism spread, with its basic philosophy of repudiation of Royal authority, and its glorification of foreign jurisdiction, it stood to reason that men, classes, and parties, desiring to overthrow the Status Quo, sought to use this rising spiritual power as a weapon, to use the authority and influence of the priests to assail the Council in Dublin. The first definite cleavage between a large section of the priests and the Government occurred in 1609. Hugh O'Neill, no doubt with Spanish assistance, procured from Rome something like 100 advowsons in Armagh and Derry.[4] This meant that, in those areas, the priests would be agents of the exiled Earls, agents of Spanish militancy, men whom no Government could afford to ignore. This was followed by strenuous and

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1) R. P. III—. Appendix p. 124. 2) B. H.—181. 3) C. S. P. 1612—289.
4) A. H. I—40.

successful efforts to procure the nomination of two belligerent Roman Catholic Bishops. The Roman Catholic Primate was a Dr. Lombard, who haled from Waterford, and had little or no sympathy with O'Neillite Clerics. He knew what the Papal authorities did not know, that there were large areas in Ireland—aye in Ulster itself—where the name of O'Neill conjured up bitter memories, and that the association of the Vatican with a fallen political party would not only compell the Stuarts to act, but would also drive—as in the long run a it did,—a large section of the Irish aristocracy into the Established Church. O'Neill carried his two appointments. The result was instantaneous. "These appointments tend", wrote Lombard "rather to disturbing Catholics than to reconciling Ireland". He attributed the Plantation of Ulster to this appointment of O'Neill's Secretary as Archbishop of Tuam, and Oviedo—he who had taken part in the Kinsale invasion—as Archbishop of Dublin.[1] The former issued a pastoral calling on the faithful to refuse to legalise the Ulster titles, oblivious of the fact that it made large numbers of Roman Catholic gentry freeholders and landlords.[2] The House of Commons defied the spiritual thunderbolt "without one dissenting voice", or, as the Recusant Spokesman put it, "without colluctuation or contradiction".[3] As for Oviedo, the author of a tract entitled "how to conquer Ireland", he arrived and settled in Dublin, to the great consternation of a high official, who, ruminating on his large pension from the King of Spain, compared him to "a sea bird called a petroll, giving suspicion of an ensueing storm".[4] The one outbreak of activity on the part of the Government followed this movement. Four priests were ordered to leave Dublin. The Roman Catholic Bishop of Down was arrested, tried for intrigueing with Spain and executed. All this Lombard attributed to vesting the appointment of priests and Bishops in Spanish or O'Neillite hands.[5] Form this time on the Roman Catholic Church in Ireland is wracked with dissensions over the appointment of Bishops, two contending parties straining every nerve on every vacancy to carry their nominee. One was the party of the exiled Earls, supported by Spain, and attracting like the Cave of Adullam, "all

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1) A. H. III—297. 2) C. A. H. James I. p. 21. 3) Franciscan.—63. 4) C. M. S.—307. 5) A. H. III—297, 298.

those who were discontented". The other party, led by Lombard and subsequently by Rothe, were the pacific religiosos, who declined to use their office as a camouflage for revolution, who believed that an outbreak would never succeed, that it would procure only penal laws, and that it would finally drive the Upper Classes—who were loyal, if turbulent,—into the Established Church. Lombard opened up communications via his nephew with one of the ambassadors abroad. Young Lombard testified to his uncle's loyalty, related an abortive conspiracy, suspicious activities on the part of the Roman Catholic Archbishop of Tuam, and expressed a dread that, if this conspiracy succeeded, "all the other Provinces would be subject to much oppression from Tyrone and his allies".[1] The O'Neills retaliated by opposing in Rome every nomination of Lombard's, and, on his death, successfully carried their own nominee to the Primacy, thus relegating the Vicar General Rothe to Ossory. In 1626 the Nuncio in Flanders, summarised the whole controversy between the two schools of thought in a long and entertaining essay, in which he plumped solidly for the party of Spain, O'Neill, and militancy. The document is of considerable value as it gives the names of the different candidates for the Roman Catholic Episcopacy, and their views on this matter. It reveals the fact that by then Dease of Meath, Rothe of Ossory, Roche of Ferns, Walsh of Waterford, and Luke Wadding, the famous historian, were all the party of law and order could muster.[2] One can easily separate the two schools, one being called "old Irish and Spanish", and the other "Anglo-Irish and French", though, of course, such epithets are mere party labels, invented by the writer. The "The intempestive ambitions" of the O'Neill party —so Roche one time calmed them—was slowly dragging the priesthood behind the chariot wheels of the revolutionary. The long peace had made men forget the days of Elizabeth. Prosperity and power was emboldening the priests to strike aside the hand that protected them, in the hope of themselves ruling in a Council of their own creation in Dublin. Great men, powerful parties, combinations and vested interests were behind them, pushing them on to weaken the Central Power, hoping that when that power fell it was to be themselves, and not the "shavelings" who

1) Montague House. M. S. S. I—157, 153. 2) Franciscan M. S. S.—87—92.

were to rule Ireland. We can trace in the later days of James and the earlier days of Charles political activity on the part of the priests of which Elizabethan Ireland never dreamt. A Franciscan friar wrote as follows "The King and Council here (Madrid) are well satisfied with your information. We assure ourselves of the constancy of Don Carlos McCarthy and Lord Muskerry. . . . I would be glad if something were done to shorten the lives of such young traitors as the son of Don Florentio and of Lord Kerry. We are satisfied about the major part of the gentry, and are going on with the journey. An Armada has been granted us. I work with the agents of the Courts of Tyrone and Tyreconnell".[1] Here is another from the exiled Tyrone to three priests. "All the hope we have in these parts is in the diligence of your reverences. A war in your parts would be a great help to the King of Spain".[2] Between 1620 and 1630 the authorities lived in a constant state of alarm lest the Spaniards and O'Neill would come, and a religious jehad be raised. It was true that, if this occurred, the Crown could rely on the bulk of the gentry. In 1626 the heads of the Roman Catholic septs voluntarily tendered their services.[3] The Intelligence Department reported that in Ulster alone Tirlough McArt O'Neill, Sir Henry O'Neal, the heads of the McSwineys, Maguires, McMahons, and O'Cahans, would be the first to resist such an incursion.[4] Nevertheless there were men in Ireland ready to play with the idea, and gullible Statesmen in Paris, Madrid, and Rome not averse to having a shot at what King James used to call "the back-door". Nor were the fears of the authorities founded on mere panic. The Venetian Ambassador and the Council of Venice had secret information that the Vatican, France and Spain were seriously meditating a joint raid on Ireland, and it was notorious that the ever restless Earl of Argyle was, at that time, proferring his services to Spain as a Roman Catholic champion. The danger was averted by the mutual distrust of the high contracting parties, not one of whom had any hallucinations on the aims of the other.[5] The inevitable touch of comedy however, lightens the gloom. At the height of all this

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1) C. S. P. 1628—323. 2) C. S. P. 1630—535. 3) C. S. P. 1626—190. 4) C. S. P. 1625—73. 5) Ven 1627—77, 429, 430, 608, 437, 462; 1625—89; Dom. 1627—392; C. T. 1—29.

panic some 3.000 swordsmen of the most rebellious septs of Kerry and Queen's County volunteered for active service, were blessed on parade by the Roman Catholic Bishop of Ferns, and sailed for Rhé, where they acquitted themselves valiantly and well. Hibernian complications are as a rule difficult to disentangle.[1]

The Government could not turn its eye away from this growing spiritual supremacy, paying allegiance to a hostile power at Rome, and frequently subsidised by a hostile power in Madrid. The method adopted of coping with it, if it went too far, was a Proclamation ordering all priests to leave the Kingdom. It was only once enforced, on the occasion when the four priests were ordered to leave Dublin. These Proclamations gave the Crown a power it did not possess by law. They used to be refurbished and republished in moments of excitement, just to show what the Crown could do, if it wished, and as a warning to evil doers. They corresponded rather to Crimes Act Proclamations of modern period, which have no effect on the ordinary citizens, and are designed only for coping with the cattle-raider. They also placated public opinion in England, and served to allay the fury of the Puritans, whom the Crown was trying to keep at bay with very ill success. One of these Proclamations was read in Drogheda "in a scornful and contemptuous manner, a drunken soldier being first set up to read it and then a drunken sergeant. The priests and friars then shut up the foredoors of some of their Mass houses, but used them as frequently as if there were no command to the contrary". These Proclamations did more to bring the Government into contempt, than all the exertions of their enemies. The authorities knew where every priest lived, knew their names, and were on terms of great personal intimacy with some of them. Father Strong, the Franciscan, writes thus when these Proclamations were in full blast. "The Master of the Rolls here is a most worthy man and I hope he will die well. He is my most intimate friend. I keep up a good correspondence with the Primate Usher, and he makes much of me and others on my account. He has a famous library and allows me access to it. He sends you (Father Luke Wadding) a note. On your life omit not to send me an answer."[2] Sir James Ware—the Master of the Ordnance,

1) C. S. P. 1628—303, 304; 1627—266, 267. 2) Franciscan M. S. S.—5, 16.

and the Member for Trinity College—also was on terms of intimacy with high ecclesiastics. "I was in Dublin a fortnight ago and Sir James Ware bade me remember him to your Paternity. He is writing a Chronicles of Ireland, and will shed light on what your Paternity has in mind. Sir James Ware kissed your Paternity's hand, and hopes for an answer." Rothe also borrowed books from Usher, and Usher from Rothe, the famous Primate duly acknowledging his courtesy in one of his works, though technically Rothe had been 20 times banished the Kingdom, and Usher had signed the Proclamations.[2] Such was the effect of the ferocious proclamations. The Government dare not enforce them on the law-abiding priest, because it would be striking at some of its best friends, and denying its great justification, that slovenly mixture of power and licence which no other party in the State could evolve. There was not a Pale Landlord who did not know what would happen him under a Catholic Confederation, dominated by O'Neill's Bishops. Nor could the Crown grant open and legal liberty of conscience. Such a doctrine was unknown in those days. A free trader might as well ask to-day for free imports under a Protectionist Government, as a man of one doctrine secure freedom to practise his rites from a government of another in those days in Europe. Falkland one time suggested such a consummation, and instantly raised a storm from which his government never recovered.[3] Accordingly the Crown clung to the practice of issuing these ukases periodically, accompanied by private instructions to "forbear to make a curious and particular search after them".[4] Davies one time justified this performance on the grounds that it enabled clerics to go abroad and to fare sumptuously on the Continent as martyrs.[5] It was however a very dangerous policy. The English Parliamentarians were playing the "No Popery" card vigorously and ably, and bogus Proclamations in Ireland constituted a very feeble defence. The Venetian ambassador gave as one of the causes that led to the distrust of the Stuarts the frequency and the vanity of these Proclamations.[6]

The use of Roman Catholicism as a camouflage for the Irish

1) Franciscan M. S. S.—47. 49. 2) National. M. S. S. Gilbert. IV—310. 3) C. S. P. 1627—239, 240. 4) C. S. P. 1606—390. 5) C. S. P. 1604—214. 6) Ven 1624—300.

Adullamits and the use of Puritanism for a similar purpose by the English Parliamentarians led to that extraordinary situation in Ireland, wherein the most powerful political force in the country was nominally prescribed and taboo. It is true that the dispensing Power had been used to abolish the greater number of the restrictions. The Recusancy fines were only enforced in Dublin and the very casually.[1] The Oath of Supremacy applied only to the Lord Mayor of Dublin. It was occasionally tendered to officials, and was nearly always binding on Privy Councillors, though there were exceptions like Clanricarde and the Hamiltons. It was no longer enforced in the Court of Wards, nor on barristers.[2] In the case of education at Trinity College it was only tendered at the end of the academic course, and accordingly applied only to those who took a degree, which in those days only involved clergymen. The free Schools, of course, were open schools.[3] For the purpose however of "saving face" the authorities forbade a priest to appear in public in his clerical garb, or to celebrate Mass "with ostentation and contumely". This regulation seems to have been regarded with tolerance by the average Roman Catholic.[4] In Dublin this was rigidly enforced. Its evasion there in the reign of Charles was regarded with disapproval by not a few Roman Catholics who recognised only too well the difficulties of Charles.[5] Rinnucinni in 1644 wondered much at those who were "not ashamed to say it was sufficient to perform the Catholic service in secret, and that to expect more from the King was an injustice and that it is not lawful to contend with him".[6] These men too were by no means servile. They were simply truculent Royalists. Be that as it may. A chapel was opened in one of the main streets of Dublin with organs, galleries, cloisters, "like the banquetting hall at Whitehall".[7] A series of municipal intrigues, coupled with the feuds between the regulars and seculars, galvanished the Government into action, and it ordered the closing of all Roman Catholic chapels and Monasteries in Dublin. This was followed by a series of riots, which attracted considerable attention in England. For the first time Protestant England became aware that there

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1) C. S. P. 1626—15; 1618—185; 1621—329. 2) C. S. P. 1626—157. 3) C. A. H. Appendix VI—22. 4) 1628—415. 5) C. S. P. 1628—441. 6) R. E.—98. 7) C. S. P. 1630—510.

were 14 chapels in Dublin. For the first time also the Government had succeeded in annoying the loyal Roman Catholics. For the first time the militant Roman Catholics had succeeded in creating a riot in the neighbourhood of the King's Castle. Charles suddenly became aware that something had to be done in Ireland, if his Government was not to abdicate in a storm of quasi-religious controversy. It was a small incident, but it revealed how far the religious question had weakened the forces of law and order.

Chapter III

THE RISE OF THE LEVELLERS

> The Assembly has provided an elective clergy, an arrangement which will drive out of the clerical profession all men of sobriety, all who can pretend to independence in their functions. Those officiers, whom they still call Bishops, are to be elected to a provision comparatively mean through electioneering arts. I know well enough that the bishoprics and cures, under kingly and seignoral patronage are sometimes acquired by unworthy methods, but the other method of ecclesiastical canvass subjects them infinitely more surely to all the evil arts of low ambition, which operating on and through greater numbers, will produce mischief in proportion. BURKE.

Nor was the Counter-Reformation the only religious difficulty embroiling the State of Ireland. A kind of Puritanism was arising to defy the Magistrate and to disturb the body politic. Its first appearance in Ireland is in a letter of Archbishop Loftus —a mundane prelate of the Elizabethan era—protesting vehemently against the deprivation of Ministers for not wearing surplices.[1] Loftus was by no means a zealot on matters of grace. The quarrel between him and Perrot began over the lands of Trinity College, of which he was in temporary possession, and which he refused to surrender, despite the urgent need of an institution for the education of the Irish clergy. Nor was he even a faithful servant of the Queen as Hugh O'Neill, Hugh O'Donnel, and Pheag O'Byrne could testify, who for doles received most undesirable concessions. If a prelate of this rank and this character could, at such an early stage, write such a letter to Sir Wm. Cecil, we must assume that Calvinism had already appeared in Ireland, and was a force this wily prelate desired to conciliate. Calvinism was the other force that was undermining the Royal authority. The old

1) O. L.—214—221.

days when the King was Head of the Church, when all Ireland swore to this doctrine, and regarded the Crown as the arbiter in matters spiritual were passing away, and every element struggling to be free in matters mundane attached itself to one or other of the religious schools. The rapid growth of Roman Catholicism was due to its negation of the act of Supremacy, constantly affirming that this was "a matter of conscience and not of State", and defying the authorities to touch them, at any rate in that revolt. Calvinism began on exactly the same basis. It challenged the Crown to interfere with "the conscience of the subject", and every jot and tittle of Church administration soon became a matter of conscience, it being, as Loftus put it "very dangerous to urge a necessity in things that God's word doth set at liberty". While a steady secession on one side was in progress from the Church of Ireland towards Roman Catholicism, a disruptive movement was in progress in the Church itself based, like Roman Catholicism, on this denial of the Act of Supremacy. In the reign of James this movement first reveals itself in England when certain "Nonconforming Ministers" were suspended and deprived for protesting the King's Supremacy.[1] Gradually the movement spread to Ireland. What lent it strength was James' Episcopal nominations, the majority of whom were Scotch, and deeply effected by the trend of theological thought in Scotland. Two of James' nominations to the Provostship of Trinity were undoubtedly Puritan. Chichester, the Viceroy, was a disciple of the famous Cartwright. One has a suspicion that James regarded Ireland as a kind of cold storage for ecclesiastical firebrands he desired to depart from England. The climax came in the Convocation held in Dublin in 1615. At that Convocation a series of Articles were enacted. The trend of those articles was definitely towards the extreme left, definitely in advance of that via media at which Elizabeth always aimed, and which was the object of all the ecclesiastical regime of Charles I. That via media is best described by Bedell in a letter to some of the Dublin Dutch. "Such is the moderation of our Church that, no positive definition being made, men of different sentiments may agree in the same acts of worship, without being obliged to declare their opinion" [2] So advanced were these articles,

1) C. C. P. B. VI—190. 2) B. B.—109.

that nine of them were identically word for word those that had been passed by the Lambeth Conference. One of the Scotch Missionaries thus described them "They were Calvinistic in doctrine, and evidently asserted the validity of ordination by Presbyters, and claimed no authority for the Church or its clergy to decree rites and ceremonies".[1] This may be an exparte view, but it serves to reveal what certain men saw in this declaration at that epoch. This profoundly affected the Reformation and Counter-Reformation in Ireland. Ireland is a country of tradition, even though it seethes with the spirit of revolt. The basis philosophy of Calvinism was a clear-cut with the past, a definite repudiation of that multitude of forms, traditions, rites, and ceremonies, reaching far back into the past, which are sometimes nothing but Pagan superstitions, sometimes hallowed and customary rites. In fact Puritanism drew its inspiration from that spirit of revolt that lies within us all, that desires to push on to novae res, to destroy all that is associated with the past. The sweeping denunciations made by this new cult of every existing tradition and custom did more to assist the reaction of the Counter-Reformation than all the preachings of the friars. "If the Pope", one time wrote Bramhall, "have a fairer game in England he is beholden to them for it, not to the Magistrate's sword, much less to Episcopal domination, as most men naturally prefer antiquity in religion to novelty".[2] James, who had had painful experience of the Scotch clerics in his youth, one time said "with their 'I renounce' and 'I detest', poor people, being amazed, did either go back into Popery, or remain in ignorance. If I should adopt their confession I would have to keep my religion in my note-book, and not in my head".[3] At this transition stage the Established Church in Ireland opened its doors to all this cult, nay commited itself to the extreme left in the religious upheaval.

What increased this movement was the gradual immigration of the Scotch settlers. They trickled over to Antrim and Down, attracted by the cheap land, and the casual religious conditions of a country, which was one time described by Dr. Roche, the Roman Catholic Bishop, as "a land of licence and liberty". The new articles of Convocation made these colonies the Elysium of the

1) J. L.—16. 2) Vindication. Bramhall 1612. pp. 51, 52). 3) R. I. A. P. VI—10. p. 17.

Scotch propagandists. Livingston, perhaps the most fiery of these, thus gives his reasons for coming to Ireland. "These articles opened a door for the introduction, into offices of the Irish Church, of faithful men from Scotland, who had suffered oppression or injury".[1] It should be added that a Calvinistic divine that was silenced in Scotland, must have been indeed of a fiery nature. Thus have we got the South of Ireland flooded with English Recusants, the Plantation area with Scotch Recusants, and Antrim and Down with Scotch Calvinists—all the firebrands of Great Britain flocking into Ireland, to let lose their flames in that casual, but inflammable and unfortunate country. Blair, for instance, the father of Ulster anabaptism, was a refugee from Scotland. Toleration is an estimable quality, but, in the seventeenth century, it had the unfortunate effect of attracting to Ireland men, who were too uncompromising for Great Britain. Nor was it only Scotchmen who were thus affected. The names O'Cahane and Dogherty frequently adorn the records of seventeenth century Calvinism, from the former tribe springing the stern and military Munro. In 1621 the Archbishop of Armagh reported "factious and irregular Puritans entertaining the Scottish discipline and liturgy".[2] The Government looked very sourly on this immigration, and made two efforts to check it by regulations similar to those in force in New York to-day, but tenants and purchasers of land were scare, and where one Scotchman settles and thrives, others soon follow.[3] By about 1630 South Antrim and Down were thronged with a large population of small farmers, labourers, colonists, and pioneers, spreading into Plantation areas, and bringing with them a ferocity against Bishops, hithertoo unknown in Ireland. They constituted something very like a Revolutionary element in a modern state, entertaining for all forms of authority a hostility, of which the South and West knew nothing, whose Lords, Chiefs, Prelates, priests and parsons each had his little realm, and where the divine right of Kings was recognised as something immutable. Blair thus describes them. "The most part were either such as poverty, scandalous lives, or, at the best, adventurous seeking of better accomodation had forced thither." Stewart, one of his colleagues, describes them as "the scum of England and

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1) J. L.—17. 2) C. C. P. B. VIII—55. 3) B. L.—25, 28.

Scotland", driven thither by debt or warrants, or "a desire to be free of man's justice".[1] This is probably but the censorious and uncharitable view of humble colonists, taken by stern Scotch divines. Colonies are seldom models of deportment. These two descriptions however serve to show what a lawless band of nomads, destined to take Calvinism to their bosoms, had entered the hegemony of O'Neill's Bishops, themselves by no means apostles of peace.

These were soon followed by their Ministers, who—rectories being private advowsons—entered the Church of Ireland, and were installed in the Churches, Lord Claneboy, Sir Hugh Clotworthy, and Sir Hugh Montgomery being their chief patrons. The difficulty was to get them ordained, but Dr. Knox, the Bishop of Raphoe, used to fulfill that function, after which they journeyed back to Down, and defied Dr. Echlin, the local Bishop, whom one of these Ministers describes as "a corrupt and timorous man", Knox being haled as one, whose age had specially been prolonged by Providence "for little other purpose, but to do this".[2]

They must have been a very severe trial to the ecclesiastical authorities. One seems to have officiated as a Minister before being ordained.[3] In the Ulster Inquisitions there is a record of one Johannes Moulder, who actually held a rectory and officiated in a Church, when ordained only by Presbyters.[4] Blair relates how he told Echlin that he would never recognize his authority, and forced him to ordain him as but a Presbyter among other Presbyters.[5] Echlin, whom his successor Dr. Leslie calls "a weak man", always denied this assertion, relating that this apostle of novae res, this "bringer-in of Scotch discipline", appeared, at the time of his ordination, as but a normal country parson.[6] Livingstone always denied that he was ordained by or subject to any Bishop.[7]

This was indeed a pretty problem for the unfortunate authorities, who were struggling against insuperable difficulties to create some form of religious conformity. Stewart, one of the missionaries, gives a lurid description of a large body of "the meaner sort", who regarded it as a lowering of their national pride to be asked to listen to a service of the Church, a point of national

1) H. P. C. I—96, 97. 2) J. L.—76, 77. 3) H. P. C. I—119. 4) T. C. D. 1067. p. 13. 5) H. P. C. I—104. 6) C. S. P. 1632—662. 7) J. L.—77.

prejudice and patriotism to stand by the Kirk. "Yea the very pride of their heart and a sort of nationality biassed them to scorn conformity." The Scotch Upper Classes, however, who were the Planters of the Plantation took no part, as a rule, in this movement. In fact it constitutes the first democratic movement in Ireland, alarming the authorities all the more, because it gradually absorbed rectory after rectory of the Church of Ireland, which was a branch of the State, fulfilling many functions now passed to the civil power.[1] When we remember the terrible passions of the different Puritan Sects, passions of which this generation has very little knowledge, when we remember what a shock Europe got at the anarchy created by the Münster Anabaptists, one can realise the feelings of alarm at the genesis in Ulster of a form of religious Bolshevism, driving parishes on further and further along the path of licence, among a population by no means law abiding, led by Ministers who "had their dependence" on the Scotch Lords, at that moment on the verge of rebellion.

We get one glimpse of what this movement meant. Blair relates how he and his vestry constituted themselves into a Court, a kind of soviet, tried cases, and hurled theological condemnations on offenders and those who would not obey, resuscitating that spiritual intimidation Ireland had gone through much to destroy.[2] A theological excommunication in those days carried with it certain civil disabilities, which was all the more reason why the State looked askance at these activities. "Presbyter is but priest writ large", but Presbyters, using a usurped authority from the State to assert their rule, in a region dominated by belligerent priests, was something that was bound either to relight the fires of Smithfield, or make Ulster a replica of Southern Germany. A clash between these men and the State was bound to come, because the Stuart Statesmen would not tolerate the assumption of a judicial prerogative by any man, however eminent in Ireland, least of all by the clergy of a Church whose head in Ireland was Charles, by the Grace of God, Defender of the Faith.

At that moment, when the dividing lines of politics were becoming the dividing lines of religion, when every "ill disposed" subject sought to shake the authority of the state by capturing a

1) "A Short Account". Alexander Stewart. H. P. C. Vol. I. 2) H. P. C. I—123.

religious party and using it as a battering ram against society the appearance of a new religion in Ulster—new as far as Ireland was concerned—was something very ominous at a moment, when the authorities were at their wits end to know how to deal with the existing religious, political, and agrarian situation. Suppose this movement captured the Church in Ulster, a movement which defied all control of any kind! The Church was part of the State. It administered Education, Charity, Relief works, Probate, Divorce, and several other mundane matters. The new Ministers were men who could not live in Scotland, what Chichester called "griping men not fit for these parts." An ordinary Episcopalian they held as infected by some loathsome disease. Modern Presbyterianism after centuries of hard knocks has managed to get rid of this fanatical spirit, a spirit before which the uncharitable arrogance of some of the State Bishops and the seditious ferocity of some of the friars pale as but a mere murmur. If these men—their own writings reveal a blast of Semitic anger—had got possession of some of the Departments, of the casual, slovenly, tolerant, and muddle headed Irish Government, rivers of blood would have flown in Ulster. One can estimate their mentality, when Cromwell was denounced by Blair as a Papist in disguise, "an egregious dissembler and a great liar. Away with him! He is a greeting devil".[1] The movement spread rapidly as the Scotch trickled in. Nor was the peace of the realm enhanced by the arrival of London Puritans, who denounced the Scotch, the Scotch denouncing them in turn as "separatists".[2]

The famous Usher seems to have given them some countenance at first. The logical mind of this, the greatest of the Irish Divines, no doubt sympathised with their Evangelical fervour, though, at a later stage, he undoubtedly became hostile, James' dictum of "No Bishop no King" being strangly verified in "the land of licence and liberty". The Government left them alone, adopting the traditional attitude that, till blood was shed, no steps should be taken, an attitude which was the secret of the support it received from all sects in Ireland. Dr. Echlin, the local Bishop, took the view that any form of religion amongst the turbulent settlers was better than none. "They were preaching to large congregations

1) Literary Memorials, Witherow. p. 11. 2) H. P. C. I—128.

and for little money. Besides I hoped to reform them."[1] At last matters came to a head when, at their "disorderly assemblies", the congregations began to display "ecstacies", "moanings" and "stretching of limbs". This was an unknown thing in Ireland. According to the convention of that period it was, as if respectable citizens appeared coram publico, reft of all clothing. Even Blair himself was horrified and ascribed it to an evil spirit "that disturbs the worship of God", and exorcised it by prayer and invocation.[2] Stewart however attributed it to "the power of God", and relates how he had "seen them stricken and swoon with the word, yea a dozen in one day carried out of doors dead".[3] The Dean of Down, Dr. Leslie, however would have nought to say to this in the Churches under his sway, and practised by the clergy under his jurisdiction. He was the strong man of Episcopalianism, one of the ablest orators that ever adorned the Church of Ireland, "a violent and vainglorious man", in the eyes of the uncompromising Blair.[4] Knowing full well that Dr. Echlin would give him no support he wrote to a friend of his in Scotland to relate this to Laud.[5] The Lords Justices were furious, complained bitterly of "informations presented by way of another Kingdom", and promised vaguely some form of mysterious inquiry.[6] No doubt they shrank from the task of raising a storm. The Earl of Cork also had a private vendetta with Dr. Leslie, of which more anon. Poor Dr. Echlin tried to soothe matters by references to "a few women impressed by gloomy sermons", and "a nuisance which is now abating". Then he ordered the offending clerics to take the oath of conformity, in which they were to swear to obey the Canons of the Church whose livings they held. Blair and Livingstone flatly refused to take such an oath, holding that they were free men, Scotchmen, exempt from Hibernian and prelatical restrictions. They appealed to Usher. Usher referred them to Echlin. Echlin was firm, and, on a second refusal, suspended them.[7] They then adjourned to London, where Coke, who was much inclined towards Puritanism, drafted a letter demanding a State trial on all questions at issue, and brought them before Charles, who received them on horseback on his lawn.[8] Charles however was a

1) C. S. P. 1632—662. 2) A. B.—89. 3) Short Account. Alexander Stewart. pt. III. H. P. C. vol. I. 4) H. P. C. I—134. 5) C. S. P. 1631—629. 6) Cowper M.S.S. I—455. 7) C.S.P. 1632—662; H. P. C. I—136; J. L.—78—80. 8) J. L.—81.

cautious man. Livingstone says he accorded the trial. The letter is however on record. Charles has scratched out all Coke's suggestion, and simply authorised the Deputy "to examine strictly into the matter".[1] Be that as it may, they returned to Ireland in full glory and overcame the technicality of their suspension "by teaching the people, while for form's sake not going up into the pulpit".[2]

All this may seem a storm in a teacup, but there was much behind it. It was part of the great revolt against the authority of the day, an incident that could never have happened a generation before. The casual observer may hold that Irish Roman Catholicism had been so uproarious up to this, that there was no need to get excited over this mild affair. It can never be too definitely asserted that, up to this, the Irish Roman Catholic was loyal. Despite Papal Bulls and Spanish subsidies, at no period during the reign of Elizabeth and James, had the elements of sedition ever captured more than a fraction of the Roman Catholic gentry, or of the Irish priests. Of the 1.000 Irish priests officiating in 1613 it is very doubtful if 100 would have given their benediction to a rebellion, or uttered a word against the person of the Sovereign. True it is that the spirit of revolt was spreading, but the Irish House of Commons—nearly half of whom were Roman Catholics—unanimously voted supplies to James, and unanimously legalized the Ulster Plantation, despite the fact that that session was the most uproarious in the history of Parliaments. "Our hands and hearts", the Roman Catholic Party boasted "have unfeignedly concurred to fortify and to give correspondency to such as were born in England, and were commanders and actors in those difficulties.[3] This was proved by the profuse expense of our blood, and by loss of our children against Tyrone and other breeders of our calamities".[4]

This boast, as we know, was true. Usher said so on a famous occasion, when he pointed out that, despite Papal Bulls, Spanish levies, and Salamanca pastorals "the lords and gentlemen did constantly continue their allegiance, and were encouraged to do so by the priests of the Pale".[5] The Roman Catholic Squirearchy had not yet "learned the language of the English Parliaments". This

1) Cowper M. S. S. I—469. 2) J. L.—140. 3) i. e. the wars. 4) Franciscan M. S. S.—63. 5) T. C. D. F. 3. 16.

did not apply to Scotch Puritanism. It was the General Assembly in Edinburgh who one time excommunicated whosoever went to a Royal Banquet, who subsidized the rebellion of Bothwell against James, out of funds contributed for other purposes, and who constantly asserted the new doctrine that "it is lawful for the people by force of arms to resist a Prince, if he hinder the building of the Church".[1] This doctrine was unknown in Ireland among respectable people. A Lord might defy the Deputy. To the Roman Catholic gentleman, however, the Sovereign was something outside all these grievances of the subject, for which the Deputy was supposed to be responsible. The nearest parallel is probably that of a Roman Catholic, who takes legal proceeding against his Parish Priest, without, in the slightest degree, denying the doctrine of Papal Supremacy. Everard, the Recusant Leader, smote the Attorney General in the House of Commons, yet, a few weeks later, he told the same House that "for religion no man should rise against the Prince. Vim Vi repellere licet, ubi paritas, non aliter".[2] The first appearance of the Radical and the Republican is in Down, and, not as facile history asserts, in Mayo or in Kerry.

Another factor we should not forget. In Scotland a great political combine of the last relics of feudalism was mobilizing behind this religious question. It was using men like Blair and Livingstone, to administer shock after to the Central Power, and playing with this, the rising force of democracy, for the first time lifting up its head in Southern Scotland and North East Ulster. Blair subsequently served at Marston Moor.[3] Livingstone subsequently acted as a member of Argyle's secret service in London, in collusion with Hamilton. At the very moment when these alarms and excursions were being transacted in Down and Antrim, an area to which Argyle laid claim, for many reasons, hereditary and otherwise, the following curious despatches were being penned by the Venetian Ambassador, who watched the three Kingdoms like a lynx. "The naturalized colony in Ulster is corrupted. The disorders have gone so far that to ignore them might prove dangerous, and to correct them impossible."[5] "It is rumoured that the Earl of Argyle has passed from Brussels to Scotland, and that

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1) R. I. A. P. VI—10, pp. 9, 11. 2) H. C. J. I—15. 3) Memorials. Witherow. p. 14. 4) J. L.—102. 5) Ven. 1624—265.

the Earl of Tyrone from Brussels to Ireland. These two are noted for scant loyalty."[1] "The Earl of Argyle has told the Infanta that many Lords will rise in favour of the Spanish cause",[2] to all of which the Doge replied "We enclose particulars of what is taking place at Rome for a union of France and Spain at the Pope's instigation and his claims of an understanding in Ireland . . . . There is secret intelligence of France with clerical as well as lay subjects in Scotland, Ireland, and England."

Heaven only knows what card Argyle intended to play! Subsequently his son plumped Covenanter, in a League adorned with Roman Catholic Lords. At this period, and at all periods, he kept in touch with the Puritans on one hand, and the belligerent Roman Catholics on the other, being, it should be remembered, a relative of the Earl of Tyrone. In the meanwhile pious friars crossed the seas with despatches promising "the reconciliation of Ireland", pious Ministers looked to Edinburgh for a lead against "prelatical tyranny", and Prelates of the Established Church were not above intriguing with both. Gloomy statesmen in Dublin watched it all, and placed in their dossiers documents, that reveal the Arguseyed character of the seemingly incompetent Council in Dublin. He who turns over the State Papers and Coke's litter of documents will find all these symptons of the coming storm, duly enrolled by men, who could do nothing, but watch and pray that it might not come in their day. The Venetian Ambassador duly records that all hope or fear of British intervention in Continental affairs is at an end. Internally all three Kingdoms were on the verge of collapse. Prosperity had made great men and great parties too zealous for their own particular ends, too negligent of the common weal. A shock was what was required to make men understand that Society depends upon combination and not disruption, and, as we know, the shocks came, the lesson was learnt, and men actually sought refuge in the military dictatorship of Cromwell.

1) Ven. 1625—89. 2) Ven 1626—448. 3) Ven 1627—437, 462.

Chapter IV

THE AFTERMATH

> My Lord, we live in times when the Church is overgrown, not only with weeds within it, but with trees and bushes about it, which though they were set up at first for a fence, yet, now they are grown up, they drop hourly upon whatever is good in it. BEDELL.

When the Act of Supremacy was passed in the reign of Elizabeth nearly all the Marian Bishops conformed, if the taking of the oath can be called conformity. We may take it for granted that the acceptance of a Crown patent involved this function. In no case does there seem to have been any difficulty in such Bishops entering into their sees. Even from this statement however deductions must be made. In three Ulster dioceses no Bishops either officiated or appointed. From all this we may assume that the overwhelming majority of the existing incumbents elsewhere also conformed. Where prelates go one way the majority of the clerks follow. In the reign of James Ulster came under the Imperial sway, and in some cases the incumbents conformed and in some cases they did not. In cases of refusal they were ejected. On the other hand we should be very careful not to draw any sweeping deductions from these tendencies. The Oath of Supremacy meant nothing till the end of the reign of James. All the religious question was such a quicksand that it is impossible to apply to that time the nomenclature of the present day.

The effect of this was that the Church of Ireland was simply as it was before the Reformation, with no alteration save the abolition of Papal Jurisdiction. Accordingly it remained with all the old defects and, we may be sure, was not much improved by being simply at the mercy of the Irish Executive. In many cases the Bishops were but feudal Barons or their kinsfolk, whom the

Crown had to propitiate, entertaining men in their way, but scarcely saints. An uncharitable scribe describes the Rt. Rev. Maurice O'Brien, Bishop of Limerick, as "expert at gaming, music and chorusing, busied in confiscating, selling and reselling of benefices".[1] Miler Magrath, who seems to have owed his appointment to his vast political power in Ulster, "extorted contributions from his clergy, felled trees, passed away Manors for Moneys lost at play, wounded a man, went armed, and extorted cess".[2] Kavanagh, the Bishop of Leighlin, regarded his Diocese as a horn of plenty, wherewith to reward his friends, and his colleagues. Lynch of Elphin made his clan large landed proprietors, out of a Diocese that he reduced to 200 marks a year.[3] In Ulster there had developed and still continued an episcopal revenue, defined as censuales terrae, lands held by cess, "refections whereby the Bishops maintained themselves and their followers in a wandering life among their tenants, receiving from them meat and drink for 100, and sometimes 200 people that followed the Bishop, by which kind of life a great number of unprofitable people were maintained idly".[4] Last, but not least, was his Lordship of Ardfert, "wholly Irish and instructed in the Irish tongue", who, on the Spanish invasion, "attempted service with 20 men where no one else would have attempted with 100", and "did good service in killing of rebels and taking of their cows".[5] One gets a glimpse of the chaos in the revelation that the Chapter of Armagh was composed of Shane O'Neill's cavalry.[6] If the Bishops were so strangely unpastoral, what must have been the calibre of the minor clergy? It is undeniable that when one gets outside the Cities, and one or two special dioceses, like Meath and Cork, that "the poor unlettered clerks", as Davies calls them, were not one bit changed from the day when an Irish Priest sent the following plaint to Henry VII. "Some say the prelates of the Church and the clergy are more the cause of all the misfortunes of the land, for there is no Archbishop, nor Abbot, nor Vicar, nor any other person of the clergy, high or low, great or small, English or Irish, that preaches the word of God, save the poor beggars, and without the special grace of God, the law may not be performed."[7]

1) C. S. P. 1591—449. 2) C. S. P. 1591—418. 3) Ware. Bishops. pp. 462, 634. 4) C. I. XII—26, 27. 5) C. P. R. James I p. 560; C. S. P. 1602—459. 6) O. L.—120. 7) T. C. D. F. 3. 16. p. 47.

From all of this one can deduce what it was that led to the Reformation. The difficulty however was that there was no Reformation. The Government, so long as the spiritual jurisdiction in Ireland was not in the hands of the Pope, was content to let matters drift. Everything had to give way to the Pacification of Ireland, and, even statesmen who were anxious to grapple with this cancer, had neither the time to deal with the matter, nor the desire, at such a moment, to make enemies by holding inquiries. The only references to religion in the State Papers are the protests of Bishops, like Brady and Lyons, at the conditions in which they had to work, and the hostility to their activities, shown in high quarters. As the power of the Chiefs declined and that of great officials waxed strong, we get a new type of Bishop, in the relatives of the official personages, some good, some bad, and some indifferent, a slight but very slight improvement on their predecessors. There was Archbishop Loftus, on whose prudent and unseemingly manoeuvres of a mundane character an official wrote a lengthy essay, relating how he had converted himself, into a man of great power "to heighten and uphold his loftiness unmeasurable and his ambition insatiable".[1] There was Bishop Jones, founder of the House of Ranelagh, of whom it was said that, when excited at cards, he used to cry "God's wounds man play the ten of hearts".[2] There was the Reverend Dr. Boyle of Waterford who adjourned to London to plead his rights for preferment, sent a gift of 100 pieces to the Duchess of Buckingham, interviewed her, "bussed her", learnt to his horror of her "foule conditions, either 500 pieces or not a piece of a word more on my behalf", which being duly paid, he retired to Ireland, a prelate with severe views on feminine rapacity.[3] Good men it was true there were in this menage, struggling to keep the flickering lamp alight, frowned on in Dublin, unpopular in their sees, indicting from time to time letters of sorrowful lament, "sava indignatio" embittering their lives. One of the greatest of them thus bewailed the plight of his country. "The ungodly lawyers (i. e. the Council) are sworn enemies of the truth. The ragged clergy are stubborn and blind; the simple multitude is, through centuries of ignorance, hardly to be won. I find angustiae undique. I had rather be a stipendiary priest in England than Bishop of Meath in Ireland."[4]

1) C.S.P.1592—536. 2) C.S.P.1589—270. 3) L.P.2.s.II—170. 3) O.L.—135.

The root of the matter was this. The Bishops were State officials first and prelates afterwards. In the turmoil of the times matters of State submerged matters of Grace. Episcopal functions were many and varied. Here is one of them. "Licence to the Bishop of Derry to treat with the conspirators, and recover goods seized by them at the sack of Derry."[1]

It is to the credit of James, that an effort was made to reform this state of affairs. He had this great advantage. The land was at peace, and he was under no compulsion to use the Irish Church for bribing men like Miler Magrath. His episcopal nominations were an immense improvement on those of his predecessors, and what was more he was zealous on the subject. His reign introduced Usher, Leslie, Ryves, Ryder, and a host of minor clergy, who first laid down the traditions of the Church of Ireland and of the last three centuries. James' efforts, however, were but individual reforms here and there in a chaotic morass, requiring time to produce results. The atmosphere would demoralize a saint. Matters ecclesiastical were so involved with matters temporal that a Bishop could do little or nothing without consultation with the Council, and the Council was embroiled in the politics of a country, whose under currents are perhaps the seamiest in Western Europe, being rivalled only by those of Constantinople and New York. One example alone will suffice. Miler Magrath held one Archbishopric and three Bishoprics, despite the character given to him by a Dublin Judge, that he was "more fit to sacrifice a calf than intermeddle with the religion of God".[2] The revenues of these he had sold or given away, or embezzled, or passed to himself under another name by secret feoffments.[3] The Churches were in ruins, the Schools closed, the hospitals defunct, and the less profitable functions of prelate devolved on an helpless coadjutor. To add to the scandal his wife and children were Roman Catholics, and in possession of rectories and advowsons.[4] Thus a large area of Ireland was scandalized, and whole parishes without a parson. James despatched two Scotch ecclesiastics, with a roving commission, who returned a horrified report. A visitation was then held and its findings were more startling. In Cashel alone Miler drew the

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1) C. C. P. B. VI—548. 2) C. S. P. 1604—218. 3) T. C. D. F. 3. 16. 4) C. S. P. 1611—81.

Revenues of something like 30 livings, his sons held another 20 and the revenues of others were actually held by a kern, who was wanted for murder.[1] The "clergymen" comprised 7 Roman Catholic priests, and 5 "unworthy fellows". Very few of the Churches were in repair.[2] James demanded legal proceedings. Miler threatened to become a Roman Catholic. The Provincial of the Irish Franciscans instantly gave him a testimonial of good character.[3] The Secretary of State for the Vatican wrote to tender him an olive branch, and to assure a reception "con carita".[4]

The scandal of the Archbishop of Cashel becoming a Roman Catholic, at a moment when religious feeling ran high, was something from which the Government shrank. Temporal matters had also to be considered. There was a growing party in Ulster on the war-path. Magrath was a man of power in Ulster. "He is a heady man" pathetically complained the Deputy. "He is a powerful man among the Irish of Ulster, and able to do much hurt by underhand practices, of which he is experienced."[5] The cynical Davies also was against drastic methods. "It were to be wished" he wrote, casting a gloomy eye on the members of that Visitation, "that those who find great beams in Magrath's eye, would also pull out the motes out of their own".[6] The authorities declined the challenge.[7] The venerable Miler triumphed, dying a few years later, much lamented by his retinue, and laid to rest in a magnificent tomb, at which the awe struck tourist gazes to-day, murmuring "an Irish saint of olden times". In the meanwhile, of course, Cashel, Emly, Lismore, and Waterford remained a howling wilderness of ruined Churches.

From all this the Roman Catholics were exempt for a while. The nomination, control, and discipline of their Bishops and priests was vested in an outside source, a cleric, either the Nuncio at Brussels, or the Cardinals at Rome, who, while the mission was in embryo, while Roman Catholicism was but budding, were free agents. It was not, till the friar became "a man of power" that diplomats in Spain began to consider him as a useful tool, and angry interests in Ireland began, through Spain, to demand that the Bishops and priests should be their nominees. Roche relates

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1) C. S. P. 1607—242. 2) A. H. I—276—310. 3) A. H. III—265. 4) A. H. IV—267. 5) C. S. P. 1612—241. 6) C. S. P. 1607—250. 7) C. S. P. 1612—246.

that there was a large party in Ulster "acriter" declaring that the Earls of Tyrone and Tyrconnel were the only judges of who should be the Roman Catholic Primate.[1] This was the beginning of the belligerent friar, the man of action in matters mundane, and the decline of the scholar and the missionary, with of course, the inevitable result that follows such courses.

Nor did Miler's dioceses stand alone. The sword, the bludgeon, chicanery, peculation, and laxity had reduced some to a revenue of less than £ 50 per annum, while great Lords, chiefs, judges, councillors, horseboys, women, priests, friars, even the Papal Nuncio himself drew the rents and the tithes, lived in the rectories, dwelt in the churches, using them even for stables, "while the poor unlettered clerks bore the name of incumbents" and were represented by the ill disposed as battening on a long-suffering people.[2]

The squire, mentioned aforesaid, who had a private monastery with many friars "well fed and warm" held all the revenues of the see of Cloyne, and allowed the holder the sum of 5 marks a year head-rent. In fact the Bishop of Cloyne was dubbed by the ribald "Episcopus quinque marcarum".[3] The Papal Nuncio on the other hand drew £ 50 a year out of one parish.[4] This startling comparison shows how little credence should be attached to the vague politico-religious jeremiads of ill disposed subjects, who used to write to Spain imploring aid for submerged Roman Catholicism, crushed beneath a devastating persecution. This lamentation never appears in the letters of Dease, Roche and Lombard, who, though they often express apprehensions of trouble, write as calmly on their episcopal and religious affairs, as if they were living in England to-day.

If James affected a moderate improvement in the calibre of the Bishops, that of the clergy was much more moderate. Every writer of the period speaks of their general standard in tones of contempt. In the visitations a clergyman with a University degree is a rara avis. The general standard was that of the Pre-Reformation era. These criticisms are not those of hostile critics. Spenser, Sidney, Brady, Davies, Usher, Bedell Strafford and Bramhall alike speak in tones of horror, contempt, and pity. Private advowsons had much to do with it. Advowsons in the hands

1) S. O. I—147. 2) C. S. P. 1603—143. 3) C. S. P. 1613—368; 1607—133. 4) C. S. P. 1603—143.

of Roman Catholics—and there were very many—contributed much. There was no one in authority. Each Bishop was a law to himself in the matter of ordinations, and we can imagine what those of Milers' were like. Public opinion there was none. For two centuries, at least, men had been accustomed to grooms and swordsmen as incumbents, and we may be sure the Elizabethan wars had not improved matters. Education had perished. The lands for schools, the lands for the upkeep of poor scholars, and embryo clergymen, were now in the hands of impropriators, and where the Church schools did survive some were in the hands of Roman Catholics, or were in Strafford's words "ill provided and ill governed".[1] "Six benefices not able to find a Minister in clothes" wrote Laud. "In six parishes scarcely six come to Church. Good God!"[2]

In all this we can detect the germ of that religious question, which burst with such a fury in the reign of Charles. At an epoch when religion played very much the same part in politics as Liberty did in the nineteenth century, and wages do to-day, a State identified with one religion and a country rapidly veering towards another was in deadly peril. Any combine that could identify itself with Roman Catholicism, that could persuade the average citizen that, on its success, and its success alone depended the triumph of a certain sequence of spiritual ideas could easily overwhelm the status quo. Whether it could retain the throne when seized was, of course, a subject no one on the war path cared to discuss. The King of France, who had painful experience of the religious disruptions, one time defined religion as "un pretexte que tous les rebelles cherchent pour couvrir les mauvais desseins".[3] It was this failure on the part of the country parsons that had led to this situation, at a period when Ireland, emerging from the wrecks of the Norman civilization, was rather a subject for missionary enterprise than capable of evolving its own attitude on the fluctuating aftermath of the Reformation. In that contest the hands of the country parsons were tied. Of education they had none. The rising Middle Class—the class from which the clergyman springs—sent their sons to the Continent to be educated, the tie between the port towns and France and Spain being very

1) L. S. I—188; C. S. P. 1625—1660—251, 258; L. L. VI—355. 2) L. L. VI—373. 3) C. L. M. 1—647.

close. In those colleges the student inevitably became Roman Catholic. From them came the steady immigration of the educated friar. The only known free education during the later days of Elizabeth was the Irish College at Salamanca, the student guaranteeing to pay a fine if he failed to become a priest.[1] In the reign of James the pious donor appears at stated intervals founding bursarships in the continental Colleges for "poor Irish scholars". Mortmain forbade these donations to the waning Church Schools. At this transition stage we accordingly understand why it was that at the beginning of the reign of James the friar was a persona grata with the Irish aristocracy and the bucolic and half starved incumbent of a State living was not. The effort on the part of the Government to found Trinity College proved a failure, till it was re-organized by Bedell. The importation of Englishmen was a remedy even worse than the disease.

There was yet another difficulty pressing very severely on the Church of Ireland. What man of culture would ambition an Irish rectory? It meant starvation. The overwhelming majority of the Irish livings were under £ 5 a year, about £ 35 a year in present currency and few, very few, possessed rectories. At this period the wages of a labourer—not a ploughman—were £ 7. 10. I have yet to find in the Visitations—save in Ulster, Cork, and Meath, a living that reached £ 50, a year. The only method, whereby a clergyman could live, was by holding half a dozen parishes, with the obvious result that five were neglected. This is the meaning of all those sneers in the State Papers by highly placed officials—themselves in possession of the impropriations—at the absenteeism of the Irish parson. "It was", one time wrote Davies "the extreme negligence and remissness of our clergy here which was first the cause of the general desertion and apostasy, and is now again the remora or the impediment of reformation".[2] A low standard of education, a low standard of comfort, and the ensuing low standard of morale partly explains the contempt into which the Church of Ireland fell by the beginning of the reign of James. Exceptions of course there were. We find them here and there in the visitations. Lyons in Cork, Brady in Meath and the clean sweep of the Ulster Plantation, which enabled the Church

1) A. H. II—2. 2) C. S. P. 1606—476.

there to start afresh, without any tangle of bankrupt rectories, had resulted in a higher standard in those areas. James' Bishops too was creating a new type. Nevertheless it is doubtful if there were in each diocese, a dozen men of the stamp associated with the Church of a later day. The to strangers inexplicable phenomenon of large bodies of Protestant communities in districts, which a superficial eye regards as completely Roman Catholic, undoubtedly owes its origin to the activities of these isolated clergymen at the transition stage in the beginning of the seventeenth century. In fact the Protestant majority in Ulster is partly due to the fact that, at the end of the transition stage, the Church in Ulster was active, and the standard of its clergy much higher than elsewhere, and more attractive to the pious, than that of the many belligerent priests, of which that Province seemed to have a monopoly.

The question naturally arises as to how this widespread bankruptcy did not also effect the missionary friars. They were, however in quite a different category. One of the peculiarities of human nature is that it regards with indifference a servant of the State, and with sympathy the exponent of an unrecognised doctrine, or the servant of a voluntary body. We see it to-day in the voluntary and cheerful support given to Nonconformist Ministers in England while the parson, frequently worse off, is presumed to be a State Servant, whom it is the business of the State to support. We see it too in the increase in the number of bequests and the unprecedented financial support that was given to the Church of Ireland, when it severed its connection with the State. What was steadily demoralizing the Irish Church was the widespread belief that it was rich, that everything conected with it, was the duty of the Council, and that, if a parson was on the verge of starvation, the State and not the subject was to blame. The friars never had this to contend with. A normal Roman Catholic Squire would regard it as a reflection on himself if the local priest went hungry. Every Roman Catholic Squire kept a priest as a chaplain, and, for reasons mundane as well as theological, the squirearchy were veering towards Roman Catholicism.[1] We thus have, wherever there was a country house, a priest in re-

1) C. S. P. 1607—133; 1613—447.

sidence, frequently with a medical degree, often a trained lawyer, at any rate an educated man, whom his host took good care should have fair play. In Derry the agents of the London Corporation "entertained" them, gave them good hospitality, and the local courts, which were under their jurisdiction, saw that the clerical dues were paid, issueing warrants and processes if they were not. Their dues were said to total £ 1.000 a year, far more than the rent paid by the Corporation for their estates.[1] These dues soon became established, one of the phenomena of the reign of Charles. In fact one of the accusations hurled against the Strafford regime was the large incomes of the priests.[2] He himself says that the Roman Catholic Archbishop of Cashel had £ 2.000 a year.[3] Rothe one time warned his superiors in Rome, that the national expenditure on the upkeep of priests was such as to make enemies contrast it with the grumbling at taxation, and suggested that no further increase in their number be permitted.[4] In addition to this nearly all the Roman Catholic Bishops drew pensions from the King of Spain, who was, at that time, the great patron of the Counter-Reformation. What added yet more to the power and influence of Roman-Catholicism, and hit the Church of Ireland severely, was that Mortmain did not apply to the former, and did to the latter. In the eyes of the law the Roman Catholic Church and the Roman Catholic Schools were not recognised. The zealot could accordingly bequeath to them lands, money, and buildings. Even to return an impropriation to the Church of Ireland was a crime. The deed was not worth the paper it was written on, and could be upset by the donor's heirs, or a common informer.[5] This was indeed a penal law with a vengeance!

All this serves to explain, at any rate, part of that curious situation whereby Ireland, which was absolutely unanimous in repudiating Papal Jurisdiction, was, towards the close of the transition period, the only one of the three Kingdoms in which the Papal authority was predominant. On one side there was a Church contaminated by State Control, unable to move an inch without an Order in Council, forbidden to exercise its natural functions by political exigencies, poor, needy, and weak, regarded as legitimate prey by every agrarian adventurer, staffed with a

1) C. S. P. 1625—1660—207; 1632—643; 1631—637. 2) C. S. P. 1635—1660—268—270. 3) L. S. II—111. 4) A. H. V—86—88. 5) C. I. XII—6.

Clergy, who were the heirs of Pre-Reformation traditions, and reft of Parishes by the fact that more than half its advowsons were in the control of its enemies. On the other side was a Mission, financed by a great European Power, and supported by the dominant political interests of the moment. What was more it was controlled autocratically by an outside Power, the Vatican at Rome. This was, and is, the real secret of the virility of Irish Roman Catholicism. It is imported from outside, controlled from outside, and directed from outside, and thus—though affected from time to time by Hibernian complications—never falls under the domination of any one particular Irish Party. In 1642 it was nearly destroyed by the alliance of Cardinal Rinnucinni with Owen Roe O'Neill, and, as a result, emerged minus the Irish Aristocracy. The Irish Church, on the contrary, in the Council, in every See, and in every Parish, was but the handmaid of whosoever was uppermost in that locality for the moment.

Yet, towards the end of James' reign, one is aware that the Counter-Reformation had run its full course. Roman Catholicism was becoming too powerful to last.

Between 1613 and 1630 the number of the priests had actually doubled.[1] They had installed ecclesiastical courts which openly defied those of the State, divorced, sentenced and granted probate, oblivious of the Courts in Dublin.[2] In several cases they seized on the churches, and the Government seems to have been afraid to touch them.[3] They taxed with far greater ease than the State, till for the first time in Irish history complaints began to trickle into Dublin Castle, alleging intimidation and extortion.[4] A power such as this every vested interest naturally sought to capture, and, by the end of the reign of James, the "ill disposed subject" had undoubtedly secured a lodgement. The "bringer in of Spaniards" and the agrarian agitator begins to appear in clerical garb. Some of the older men became alarmed not knowing where they were drifting, and only too painfully aware of what unflammable elements lay in Ireland. Rothe wrote to Rome cautioning moderation. "Nimis audaces", "major sollertia requiritur", "imprudentia et inordinatum zelum" are some of his epithets.[5] Dr. Walsh of Water-

1) C. S. P. 1629—442. 2) C. S. P. 1627—297. 3) C. S. P. 1629—437. 4) C. S. P. 1629—442; 1631—637. 5) A. H. V—86.

ford let fly with vigour. "Our country is so furnished with clergymen that ere it be long we are like to have one against every house. The laity begins to frown at us, especially as most of the clergy are idle, either playing, or drinking, or vagabonding. Most are unlearned and make a trade of being ecclesiastical, thereby to live idle, sit among the best, go well clâd, and, if I would say it, swagger. A man cannot sit at table to a raffe of tripes, but presently one or two clergymen will come in."[1] Roche wrote warning the Vatican not to play with fire by appointing a belligerent partizan of O'Neill to the Primacy, but to pay some regard to decorum, and chose a scholar who would not be ashamed in the presence of Usher.[2] The O'Neill party flung themselves into this fray and carried a belligerent, and from 1629 onwards the State Dossiers are full of reports from Ulster of mysterious priests landing at night, mysterious conclaves, and a prevailing rumour that "when the Spaniards came, we would all have our rights". Rothe and Roche then gave up all hope and retired to their dioceses to "keep watch in these regions of licence and liberty".[3]

Roman Catholicism had prospered too fast. Only a generation before the priests had cowered in the cities, praying for the success of Elizabeth's armies. Now they were great, powerful, and numerous on the path to Imperial power, destined as yet to strike for it with the sword, dictating to the Irish Lords, and to learn the lesson that every class in Ireland learns in time that, it may attack the Imperial throne, but no party in Ireland will allow it to seat itself thereon. It was at this period more powerful than it ever became again, even in its great swoop at the end of the nineteenth century. Being powerful, it soon found itself in difficulties. The efforts of the Ulster feudalists to bend it to their will was only one. The inrush of undesirables detailed by Dr. Walsh was another. As we shall see great possessions was tearing it internally, great power was leading to disputations how it was to be used, and men—not bigots, nor religous zealots—were asking themselves had they fought the Elizabethan wars to impose a council of Clerics on their necks. Power in Ireland attracts many open friends. It also creates many secret enemies.

1) Franciscan M. S. S.—52. 2) S. O. I—148. 3) S. O. I—199.

Chapter V

THE CHURCH LANDS

> The Long Parliament confiscated the lands of Deans and Chapters in England on the same ideas upon which your assembly set to sale the lands of the Monastic orders. It is in the principle of injustice that the danger lies, and not in the description of persons upon whom it is first exercised. It sets justice, the common concern of mankind, at defiance. It reprobates prescription which is part of the law of nature. If this be once shaken no species of property is secure. They begin with Bishops, Chapters and Monasteries, but I do not see them end there. BURKE.

Where, however, were all these vast possessions of the Church of Ireland? How came it that this once great power lay humbled in the dust, its clergy starving, its prelates with scarce £ 100 a year, its fanes ruined and its shrines desolate, with none in high places to plead its cause, save by lip service. In this question we pierce right beneath all the hypocrisies of the period, and come to solid ground in the eternal Land Question. A statesman who neglects this Celtic Sphinx does so at his peril. A historian who bases his theories on matters theoretical, and takes no account of matters agrarian, soon finds himself in a morass of conflicting facts. Why was it that the Irish aristocracy, who were intensely loyal, were bitterly opposed to the State Church? Why was it that the Council held up every effort to reform this welter of abuses? Why did prominent personages implore the King to start a religious persecution in favour of a Church, which had no churches to accomodate its worshippers, and why did the same men not gird themselves to the task of first reforming the Church, and then spreading its doctrines? Why is it that the memoirs of the Calvinist missionaries never say an ill word of the Roman Catholics and reserve all their fury for "prelatical idolatry", and

why is it that there is not a document extant in which a belligerent Roman Catholic complains of the rapid spread of Puritannical intolerance? Why too this widespread hostility to a Church that was weak, very weak, poor, and scarcely an object of envy?

When a land owning class in Ireland falls, it falls with a humiliating crash, and all men join in its plunder. It is yet in the recollection of many when, at the close of the nineteenth century, the landlords of the period fell, how intense was the fury with which they were assailed. The very name landlord was regarded as an insult. British Statesmen of all parties cheered on the assailants. Newspapers of all sections wrote with barely disguised approval of acts of violence committed against them. Judges, juries, officials, all spoke of them as pariahs, and to seize vi et armis on their attentuated possessions, was regarded as the proper treatment for persons infected with some inhuman disease. At the beginning of the Stuart period this was the general attitude of Ireland towards the Church. In the reign of Henry VIII. it had great possessions. The confiscation of the monasteries but legalised what had been happening for a century, the slow and steady expropriation of the Church Lands. In that expropriation all the great houses associated in history with the subsequent revival of the Papacy had a share. Desmond, O'Neill, O'Donnell, even Stukely who sailed with Papal filibusters, was an owner of the Abbey Lands, a situation which as we shall see smashed to atoms the Catholic Confederation. Despite the fact that Irish human nature has always regarded with some suspicion houses and dynasties reared on this expropriation, something could be said for it. It was an act committed, after due consideration, in a Council of the Realm. It was committed under cover of the word Law. It was the unanimous act of a unanimous nation. Never before or since was Ireland so unanimous. Not a Lord or a Chief protested. In subsequent "risings out for conscience sake" we hear no mention of this. It was a fait accompli, a subject on which there was no discussion. Rothe one time asked certain lessees of the Abbey Lands in Ossory to live up to the Faith they had adopted, and restore these Abbey Lands. They bluntly refused, and their refusal, to Rothe's horror, was supported by the local regulars.[1]

1) A. H. V—89.

So much for the Abbey Lands, but the Church Lands still remained, and they were immense. The termon lands in six Ulster counties alone, lands which Usher relates were private shrines created by the pious to endow a succession of chaplains, covered 72.780 acres.[1] As the Church declined in power and increased in disfavour, "the power of the sword", the chicanery of the lawyer, the nepotism and corruption of the prelates, the land hunger, the thousand and one elements that destroy a falling dynasty entered on to these lands and seized them, and the invader, if angry, burnt the local church. This was occuring even before the State flung the Church to the wolves, who were roaring very fiercely before Henry VIII. quarrelled with the Pope. Back as far as the reign of Edward II., the Earl of Desmond placed the Church Lands under coigne and livery, and coigne and livery, despite all the eloquence of economists, was the beginning of vast estates, private ownership, rent and possession.[2] The Bishop of Raphoe had alienated 18 quarters of the Diocese to the McSwineys before the final crash.[3] The sept of Clanower held the Deanery of Armagh "time out of mind" as Usher said in 1631.[4] The Cathedral at Tuam had been turned into a fortress, "horses and other beasts" in the choir, far back in the Plantagenet era.[5]

When however the storm of hostility burst in the reign of Henry VIII. what had before been a steady slow encroachment now became a wild stampede. In the chaos of the Elizabethan era the Church disappears. Nominally the Government was its protector. The Government however had other matters to attend to, and, save where an influential and meticulous Bishop was able to save some parcels from the wreck, all the vast possessions passed into the hands of chiefs, swordsmen, impropriators, lessees, and officials. In some cases a Lord would seize on the glebe lands, and then when he "came in" pass a patent for them as part of his ancestral possessions. In others they would be leased by the rector and the documents be lost. In others nepotism, corruption, simony and intimidation alienated them to lay hands. Lastly popular opinion regarded it as legitimate prey. What the Inland Revenue is to the Tax payer, what an Irish demesne land is to the landless

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1) C. M. S.—235. 2) Dav. pp. 186—188; Calendar. Papal Register. X—449. 3) C. I. XII—29. 4) C. S. P. 1631—630. 5) Rome 1561—49.

man, what the funds of a Poor House are to the ward politican, that the Church in Ireland was to all classes, all creeds, all races —to everyone.[1]

When the reign of James began and due inquiry could be made into these things a scene of devastation confronts the onlooker. The Bishoprics were fallen far from their high estate. Cloyne's revenue was five marks. Ardfert was £ 60 and Aghadoe less than £ 2. Limerick retained only a sixth of the episcopal lands. Clonfert was only £ 6 a year. Lismore yielded the Bishop only 40 shillings. In Elphin the Bishop had an income, it is true, but only by the dubious method of holding 23 attenuated benefices in commendam.[2] True it is that on the Plantation of Ulster the Commissioners apportioned out episcopal and glebe lands, lands for colleges, schools and hospitals. They might as well have tried to stem the flowing tide. By 1613 the £ 1.000 a year a year allotted to the Bishop of Derry had sunk to £ 400 a year.[3] No body knows what happened the hospital for wounded Irish soldiers. Individual Bishops, rectors and officials were as naught against the storm of hungry applicants for leases, "pressure" of all sorts being applied to the custodians, some of whom were very willing to pass away the lands intrusted to their share. In Clonfert the Deputy Escheator of the Province, the local magnate Sir Richard Blake, and the descendants of a bye-gone Bishop formed a compact combine to resist all inquiry, and to procure further alienations, the Bishop being boycotted "unless he permits the inhabitants to hold his lands as their own".[4] In 1631, during a vacancy in the Diocese of Raphoe, Dr. Leslie of Down reported that the trustees were on the verge of "making away with the property of the Bishopric as to leave the next Bishop helpless".[5] Well might James fulminate against "the unconscionable avarice of some that has perverted my godly intentions".[6] He issued a Proclamation forbidding the passing of a lease for more than 21 years, a proclamation which, as we shall find, was regarded in high quarters as an unwarrantable interference with the liberty of the subject.

The glebes and rectories, as may be imagined, were worse. In Elphin 30 parish glebes were "with-held by divers persons who,

1) T. C. D. F. 3. 16. 2) C. S. P. 1633—17; Life of Bramhall. Vesey. p. LXXX; C. S. P. 1613—368; 630—547. 3) C. S. P. 1612—296. 4) C. S. P. 1630—548. 5) C. S. P. 1631—638. 6) C. S. P. 1612—288.

by reason of long possession gained throughout the disorders and rebellions of the country, claimed them as their inheritance".[1] In Mayo, Galway, Roscommon and Sligo there were only 10 churches with roofs, the lands for their upkeep having disappeared.[2] In Killaloe there was one living of £ 40, two of £ 30, one of £ 20, a few of £ 15, and all the rest under £ 10, many being but a few shillings. Here there were eighteen churches either "well" or "repairing", thanks to the Earl of Thomond. Otherwise the entry "church and chancell down", "no roof", "church ruinous", "population none", is quite monotonous.[3] Cork was presumed to be one of the best, and yet the number of £ 5 benefices held in commendam is remarkable. Here is but one of a hundred similar entries "Rector of Carrigaline. College of Youghal tenet. Robertus Beck Curatus. He hath received for serving the rectory and vicarage these 18 years only 40/-s. Valet £ 60 per annum". The "College of Youghal" was the Earl of Cork.[4] In Waterford it was no better. Lord Esmonde held 6 rectories whose curates "hath only the book money for serving the cure".[5] Wherever we turn we find the same phenomenon. Ardfert and Aghadoe reveals "church and chapel down" ad nauseam, "valet 40 shillings" frequently, ever followed by a titled patron.[6] Even in Ulster, within fifteen years of the Plantation, the settlements made by James had been greatly curtailed. Long leases at undervalues had made Lord Claneboye rich and Trinity College poor. 700 acres had been set aside for a school in Derry. The acres were in other hands, and the Schoolmaster drew 20 marks.[7] These are not the exceptions. The difficulty in the Visitations is to find the exceptions to this long screed of woe.

Everybody seemed to be in this vast expropriation. Lord Clanricarde the greatest Roman Catholic Lord in Ireland held so many rectories that he was able to mortgage them for £ 4.000, and £ 80 per annum.[8] Sir Roebuck Lynch, the head of a famous Galway family, held half the episcopal lands of Elphin.[9] The Countess Tirconnell, widow of the exiled Earl, a Plantation-landowner and a crown pensioner, held vicarages in Down to the value of £ 800 a year.[10] Lord Chancellor Loftus in his youth had

1) C.S.P.1613—346. 2) C.S.P.1641—267. 3) A.H.III—211, 226. 4) T.C.D.1067. p. 372. 5) T.C.D.1067. p.447. 6) A.H.IV—180—190. 7) C.I.XII—75. 8) L.S.I—299. 9) C.S.P.1630—548. 10) C.I.XII—14.

been a deacon. Despite the fact that he was a Knight, a lawyer, and a layman, he was also Archdeacon of Glendalough, drew the revenues of that benefice, and waxed fat, while "a poor unlettered clerk" officiated.[1] All the great names appear as owners of this form of property Ranelagh, Parsons, Claneboye, Montgomery, Maguire, Thomond, Ormonde, Crosbie, Barnewalls, Burkes, McCarthies, officials, priests, aldermen, captains, peasants, every possible class in the community has its representatives in the pages of the Inquisitions, in the Episcopal reports, in the leases, patents, and summaries.

Greatest of them all however was the Earl of Cork. He did a trade in impropriations. They were a very unsafe form of property. Any lease granted after James' Proclamation could be upset by a strong Deputy. Any that had been inserted in a patent, whose signet letter only authorised a regrant of personal property or a patrimony, or Crown lands, could also be challenged. Encroachments might at any moment be upset. Accordingly though their yield was great their price was cheap. In all the Munster Visitations the Earl's name appears frequently. It was he who held the see of Lismore for a rent of £ 2. More than that he was lessee of the College of Youghal. It owned, apart from its own revenues, something like 20 advowsons. This is how the Earl dealt with those advowsons. "Ecclesia de Killeagh Spectat ad College Youghal. Ludovinicus Tricker Curatus. Habet salario suo. 50/-s per annum. Valet £ 30." Here is another of his impropriations "Rectory of Kinrone. Johannes Irish Curatus. Baro De Courcy Patron. It is leased by Baro de Courcy to the Earl of Cork for £ 5 per annum. It is leased by the Earl of Cork to Josias Huxley of Bandon for £ 60 per annum. The Earl did present Irish to the living and did agree with him on said presentation that the said Irish should have £ 4 per annum and the Earl of Cork £ 55 per annum".[2] This exploitation of "a poor unlettered clerk" seems very like simony. The statute against simony did not apply to Ireland. Under an old statute poor Johannes Irish could be deprived, in which case the living simply passed back to the Earl, no statute applying to him. Multiply this case at least 400 times, and we understand why the Great Earl became the wealthiest man in Ireland, and yet offended none of the laws of the Realm.

1) L. L. VI—273. 2) T. C. D. 1067—374, 376.

Here was a great political vested interest, because we have now come into the era of vested interests, and have left feudal barons and septs behind. We are entering the age of civilisation. What Statesman could face this? Imagine the faces of the Council when he demanded that a quo warranto should be served on impropriators? Imagine the scowls, the cold shoulders, the boycottings, and the atmosphere of hostility directed at a Bishop who wrote to James asking for aid! Imagine how James' letters were read, enrolled, acknowledged with loyal answers, and then not put into force! One can detect a regular conspiracy of silence on this subject. It is never mentioned save by a few zealots, who disappear. The age may have been rude but men were not proud of this form of property. There are several instances of this. When the Earl of Clanricarde was wrangling with Strafford as to the dimensions of his estate he never mentions in all his letters to his friends, or defends, or excuses, his impropriations though he might have alleged inheritance or purchase. In none of the Earl of Cork's ledgers or diaries do these impropriations appear. When he lost the College of Youghal he complains only of the loss of its revenues. He never complains of the loss of income through losing the advowsons, even though his account of that confiscation is a private document for the eyes only of a near relative. When Davies proposed an Act of Parliament to recover the see of Cloyne, the Bill was never denounced or defended in the House. It was simply smothered in Committee. When Strafford recovered many impropriations by proceedings in the Castle Chamber, the opposition never complained. All they asked Charles and the Parliamentarians to do was to declare the Castle Chamber an illegal court, and refer all its decisions to a new trial, to be held by local juries "in accordance with the custom of this country". Church Impropriations were like slum property to-day. All classes in the community own it. None however boast of it. Let a statesman however attempt to interfere with it, and, after being greeted with general applause, reasons are found while he should be hurled into opposition. It was the same with the Impropriations. It is significant that every political cry of the period was one in favour of the impropriator. The only Court that could try breaches of that Proclamation of James was the Castle Chamber. A strong party in the Council secured its abolition at the end of Falkland's

regime, and its revival by Strafford was one of the deadliest charges against him. Judges and Juries the multitude were assured were the only safeguards of liberty. The greatest popular cry of the period was the Statute of Limitations, which would have legalised a large portion of these leases, and grants, and encroachments. Wherever we turn we find movements, cries, reforms, parties, all converging towards aims, whose object was converting doubtful possession of Church lands into full ownership.

Thus we have a powerful reason why the Church of Ireland was unpopular. As long as it was there the spectre of quo warranto haunted the dreams of thousands. Individual men are honest in their private affairs, but masses, classes, and interests have no conscience. Any cry that falls in with their material ends is the cry that captures them. In affairs of State one only sees the wild barbaric struggle of rapacious elements, capable of utilising any cry, however noble, however sordid, to carry their own particular ends. The religious cleavages were a godsend to this great vested interest. It provided men with a spiritual reason why these impropriations should not be returned. It enabled them to make the agrarian question into a religious one, to give high sounding reasons such as the endowments of a faith in which they did not believe, and to mobilize behind their possessions a large number of impartial persons, to whom such a theory would appeal. However specious this cry might have been, at this later day when all this controversy has disappeared, we can note that this did not cover the fact that those lands were meant for a multitude of purposes that had nothing to do with meticulous theology, education, charity, hospitals, poor-houses, Courts of law, and a hundred other things we now devolve on departments, and that whosoever was the owner of these lands, State, one Church or the other, it was not the Squatters. This attitude facilitated the Counter-Reformation to a great degree. One can detect in the documents of the period, at the moment when men were wavering between one Faith and another, the rural impropriator deciding to go with the Power that was not asking for his acres, salving his conscience with the assurance that when "the reconciliation of Ireland" occurred he would then restore these lands. No doubt many of the priests believed so. If so they were soon undeceived. When the Catholic Confederation loomed large and powerful, during the rebellion

after Strafford's fall, Cardinal Rinnucinni put in a mild claim just to the Abbey Lands and no more. Here is the letter of the chief official of the Catholic Confederation on the question as to whether the Marian dispensation for holding Abbey Lands in England applied to Ireland. "By Cardinal Pole's Bull we sue not for his His Holinesse's Bull of Confirmation, for that we should fear it were in his power, if he would, to revoke or alter these possessions. No. I assure you that we do without scruple rely on that Bull of Cardinal Pole's dispensation, which I believe less than an army cannot overthrow in that country."[1] Finally the clerical members of the Catholic Confederation committed that body to the declaration that the Roman Catholic priesthood were entitled to the Church lands. Every impropriator shrank from endowering that body with the right to issue quo warrantoes, and the Catholic Confederation mysteriously dissolved when at the height of its power.

Strange as it may appear this question also assisted the spread of Puritanism. Nowadays we associate that word with a stern attitude towards frivolities, but at this period it was something more. It was the negation of everything we associate with a Church, a denial of the rights of Bishops or Clergy, a denial of the religious profession, and a demand for the abolition of the whole establishment. The rising tide of Puritanism was based on religious democracy, on the belief that a layman was a clergyman, and a clergyman a layman. To such a school of thought the bare suggestion of disturbing the body politic to recover lands for "subsidising prelacy" was anathema. Cartright one time complained that, while he was preaching theology, his hearers were thinking of land. "Whilst they hear us speak against Bishops and Cathedral Churches, it tickleth their ears, looking for the like prey they had before of Monasteries. Yea they have in their hearts already devoured the Church's inheritance."[2] Bramhall, on another occasion, ascribed the disturbances in Scotland "to a sacrilegious desire on the part of that nation to hold what they have from the Church", the impropriations in Scotland being far worse than in Ireland, owing to those long years when James was a boy, and the Scotch Lords did what they wished.[3] This school went further.

1) Franciscan. M. S. S.—242. 2) R. I. A. P. VI—10. 3) C. I. XII—71.

They manifested an intense hostility towards Churches, their repair and their adornment, the original movement against formalism having culminated in this zenith. Leslie, the Bishop of Down, thus addressed an audience of Scotch Churchwardens. "The greatest part of your temples are kept no better than hogsties. I know that it is one of the mysteries of this Religion that God is most purely served when he is worshipped lowly in a poor and homely cottage, and that any cost is too much to be bestowed upon God's service."[1]

The spread of this feeling throughout Ireland is remarkable at this epoch. It should not be forgotten that Sir William Waller came from Limerick and Inchiquin from Clare and that both these men led nominally Puritan armies in the great upheaval out of their districts. It flourished chiefly however in the boroughs. It has its descendants to-day, numbering at least an eighth of Ireland, though, of course the hard knocks it received during Cromwell's dictatorship and after the Restoration, expunged that furious nihilism which makes the sermons of the Scotch Divines and the actions of the Levellers read so very like those of the Continental Bolshevists of to-day. One can imagine how the Impropriator cast a not unfavourable eye on this justification of his possessions. Bramhall discovered in Down and Connor that the new Scotch Ministers allowed "a great part of their livings to turn impropriate", preferring to live as farmers, and preach on Sundays.[2] Echlin it may be remembered noted that they officiated "for little money". This speaks volumes for their fervour, but it also explains why Claneboy, Montgomery, and Clotworthy, who were all patrons of advowsons, always brought in Scotch Ministers or presented their livings to those of their own tenants who had a gift for preaching, and whom Knox would always ordain. "This" Bramhall "added makes them popular with the laity, but their benefices lie bleeding at the stake." Thus did the impropriators mobilize behind Puritanism, indignantly asking why should land be used for "endowing prelacy" or "erecting temples to Baal". This attitude spreads so far that, in Dublin, no one seemed to object to one church being turned into a stable, another into a nobleman's house, and a third into a tennis court, the vicar acting as keeper and

1) R. I. A. P. VI—10. p. 2. 2) C. I. XII—41.

drawing fees from the athletic.[1] To a certain class of mind to put them to this purpose was better than using them for improper doctrines, being of doubtful and idolatrous origin. Being therefore put to these uses what need for inquiry into the impropriations? It is remarkable with what logic walls mankind can fence around possessions.

All this aspect of the religious question explains something more, the frequent pinpricks of petty persecution levelled at law-abiding Roman Catholics by the Government. James, as we know, was ever trying to re-galvanize the Irish Church into some form of life. Charles however was a fanatic on the development of the via media. On other questions he would take the line of least resistance, but he would not tolerate in England, Ireland or Scotland, any abuse of or abuse in the Church of which he was head. If he had been otherwise he would undoubtedly have saved his head and his Crown, and bequeathed his unhappy fate to some future branch of the dynasty. All during the reign of James persistent letters were arriving from England demanding some explanation of the steady secession from the Church of Ireland. During the earlier days of Charles, the letters not only increase, but display a curious desire on the part of men in London to solve the mystery for themselves. Laud was looming on the horizon and Leslie was expressing his view very candidly "through another Kingdom and not through us" as the Lords Justices complained. The inevitable reply from Dublin always was "the predisposition of the people", "the licence given to friars", and the absence of "a firm hand". Never once save in the private letters of a select few, is the real explanation given that there were large areas without a church or parson, that where there were parsons they were frequently uneducated and boorish, that the profession of cleric was despised, and that there was no means of creating a clerical class. As the Stuart demands for action increase men in high places, to justify their existence, lash themselves into paroxysms of ridiculous activity, and then return to London a despatch that all will be well in a few months. This is the real meaning of this plethora of Proclamations, this constant "arrest and examination" of priests, who had to be instantly released, and these "closings of the friaries",

1) C. S. P. 1633—17.

the back-door remaining open, and the front being re-opened in a few days. This was done by a Council, partly composed of Roman Catholics. We get a most unseemly insight into the mentality of the period in the following dispatch of Falkland, written just after one of these outbursts. "The Jesuits and Franciscans say that the others were deserving of repression, but that they were humble poor souls who might have been excepted from the Proclamation. I feel sure that the laity and moderate and secular priests are in sympathy with our action." [1] In this there was far more truth than Falkland suspected. Apart from the intense dread of the alternative of an examination into the impropriations, Roman Catholic Ireland was wracked at that moment by a furious feud between the regulars and the seculars. [2] The despatches of both to Rome are couched in far stronger language than that used by Puritans and Anglicans towards each other in England. Of this however more anon. Suffice is to say that while the Roman Catholic Bishops were preaching that the faithful should restore the Abbey Lands to them, the Bishops, the Regulars were preaching that they should not.[3]

At last the persistence of Charles was such that the authorities had to act. Even those not immeshed in impropriations were only too painfully aware what a storm would arise if this form of property was called in question. The constant reproofs from Charles, and, no doubt the fear that he might adopt the alternative policy, at last forced, at any rate, a majority of the Council to commit themselves to a perilous policy. They were assisted in this gamble by the parlous condition of the Treasury. A letter was accordingly despatched to England, notifying the Privy Council that the Irish Council, to fill the depleted Treasury, and stablish for ever the Church of Ireland had decided to enforce the Recusancy fines. Parsons drafted the letter. Cork was the spokesman and originator of the policy. [4]

This was the first and last time in Irish history that a general enforcement of the recusancy fines was even mooted. The Act, creating these fines had been passed at a time when the great secession was never heard of, when whatever were the doctrines of the

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1) C. S. P. 1629—446. 2) Franciscan. M. S. S.—20, 21, 25, 27, 43, 46—50.
3) Franciscan. M. S. S.—13, 38. 4) L. S. I—71, 75, 99.

Church, as it stood, no one regarded its portals as the entrance to obnoxious doctrines. During the reign of Elizabeth they were never enforced.[1] The effort to enforce them on a few burgesses in James reign was dropped after a few months. Since then they had only been spasmodically enforced in Dublin, and by 1620 were almost defunct. Even in a year of activity like 1612 not £ 15 were collected, £ 15 being what seven men would pay in a year.[2]

Such a method of raising revenue, and producing religious conformity almost takes one's breath away. As this was accompanied by a refusal to ask the country for a contribution to the army, it left the soldiers with the prospect of depending for their pay on the number of Roman Catholics who refused to go to Church. Coke pointed out that all the evilly disposed had to do was to force everyone to go to Church, and all the army would be instantly demobilised.[3] To the belligerent Roman Catholic, the pro-Spanish element, the O'Neillite Bishops, and the militant friars such a situation was a godsend. Hithertoo their letters and persecution were very vague, exaggerations of pin pricks, hints at plots et omne hoc genus. Now there was the prospect of a real persecution, with arrests, riots, uproars, and all those materials on which the revolutionary thrives.

It might be suggested, however, that Charles could have simply rejected the advice. The situation however was more complicated than that. The Treasury was empty. Without the rural contribution the deficit would be over £ 20.000 a year. When Cork and Parsons threw their influence against a revival of the contributions, and for a revival of the Recusancy fines, militant Protestantism rushed into the fray. Usher threw his influence into the scale.[4] Lord Balfour, the Bishops of Kilfilnora and Kilmore, Sir William Cole, the Governor of Fermanagh, and half a dozen other men of importance got up a series of petitions in Western Ulster demanding this new form of taxation, and urging all and sundry to have naught to say to any mooted Benevolence.[5]

All this Strafford subsequently learnt was engineered by the

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1) C. A. H. Appendix V—17. 2) C. S. P. 1613—380; 1621—329; 1618—184—186. 3) Cowper M. S. S. I—483. 4) C. S. P. 1633—6. 5) L. P. i. s. III—191; H. V. C. VIII—37; L. S. I—97, 146—151; L. L. VI—324.

Earl of Cork.[1] Matters had now come to such a pass that, if Charles appealed for a contribution, militant Protestantism would refuse, point angrily to the suspended Recusancy fines, and English Puritanism would start off after a new hare. If on the other hand he imposed the Recusancy fines, all Roman Catholicism, law-abiding and lawless, would be on the warpath, and money had to be procured. It was at this stage that Strafford, then Lord Wentworth, was appointed Lord Deputy of Ireland.

1) L. S. I—76.

Section II

THE STRAFFORD ERA

Chapter I

THE RECUSANCY FINES

> Public debts are likely to become the means of the subversion of governments. If governments provide for these debts by impositions they perish by becoming odious tho the people. If they do not provide for them they will be undone by the most dangerous of all parties — a discontented moneyed interest. BURKE.

Such was the situation on Strafford's appointment at the close of 1631. In the following March the last of the Benevolences voted by the rural gentry matured. That contribution fell short of the estimate for the ensueing six months.[1] The Council had not only declared that no further contributions would be forthcoming, but had even declined to recommend such a contribution to the Country.[2] They had also given it as their deliberate advice that the best method of raising revenue was the enforcing of the fines on Recusancy. One should remember that these fines were the law of the land, a law passed by the fathers of the Recusancy leaders. Men in high places, not by any means violent, held that the King was justified in collecting his just debts for such a great necessity of State as the protection of the Realm, other means proving abortive. What had further embroiled the situation, was that many, who suffered much from the illegal exactions of Recusant Peers and Recusant Corporations, contemplated with satisfaction the

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1) L. S, I—68. 2) L. S. I—71.

imposition of a legal tax on their task-masters. Usher, for instance, was an enthusiast on the subject. He, in a mood of Royalism, had foregone his exemption to the contributions.[1] Was it not now the turn of others to pay their legal taxes, when he had paid those not binding on him? In the previous year a similar proposal had emanated from England, and been rejected in Dublin on the grounds that it might "beget interruptions" to the then contributions.[2]

Bankruptcy had thus revived what Elizabeth had disowned, and what James had scarcely enforced at all. There was, however, another element to be considered. The Council were nearly all "native born", "men of power", men who had overthrown Falkland, and did what they pleased in the long interregnum. The Earl of Cork, for instance, had exempted his own estates from the contributions, and, when Charles had demanded a list of the assessments, no reply was sent to his letter. Nor was he the only offender. Strafford says that "the nobility, in a manner wholly laid the burden upon the poor tenants, most unequally freeing themselves".[3]

This regimen of licence and liberty was now about to be curtailed. Strafford's reputation had preceded him. He went by the nickname of "Black Tom" in Yorkshire, and, we may be sure, Dublin gossip had exaggerated what he one time called "those tiger's teeth and claws with which some delight to paint me". What more natural than to fling on this incoming Inquisitor the odium of collecting taxes at every chapel door? This dubious method of raising revenue, which the Council had condemned, when they were asked to collect it themselves, suddenly became the only alternative to bankruptcy, and the healing of all religious dissensions, when the collector was to be a strange Yorkshireman with a gruff reputation. To make doubly sure, Loftus, Cork, Parsons, and Bulkely, then Archbishop of Dublin, held a sessions at Kilmainham, and fined the Grand Jury for not "presenting" the local recusants.[4] This was done without orders from London. It was in flat defiance of the Royal Grace, suspending such prosecutions during the period of contributions. It committed the State,

1) U. P.—379. 2) L. P. II—s. III—180—182. 3) L. S. I—62, 77, 407; L. P. 2 s. III—182, 183. 4) L. P. I. s. III—147.

however, to the new policy. To go back was to display weakness in a Country, where weakness always brings with it a train of difficulties. Strafford detected the danger from afar. "I will not ground, myself", he wrote "upon the all-foreseeing Providence of the Earl of Cork. If such a rushe as this should set the kingdom in pieces, I must be the man that am like to bear the heat of day and not he, and to be accountable for the success, and not he".[1] If this policy collapsed, its authors would be the very first to disown it, to assure indignant recusants that Strafford, and not they were the persecutors, to canvass for exemptions for this man and exemptions for that, and then to assuage the wounded feelings of the disappointed applicant with the assurance that all would be well, if Strafford were only removed. These may seem hard words, but, in all Irish History, the loudest condemnation of unpopular measures has come from those who invoked them. This too did actually occur. At Strafford's trial the witnesses to prove his tyrannies were those who had taken part in them. "It is the nature of this place", he wrote later "to accuse the Deputy, even of those things wherein they themselves had a principal share".[2]

In these circumstances, Strafford determined to appeal over the heads of the Council to the country. We must always remember that in affairs of Irish State, we see only the worst side of human nature. The State Papers and the correspondence of "the men of power" exposes only the hungry struggles of great vested interests, blind elements struggling furiously, classes, parties, men, and multitudes each fighting to impose itself on the country. Behind all these alarms and excursions, each element roaring loudly to make the other imagine that it has a vast stage army somewhere behind the scenes,—like Chinese troops going into battle—behind all this, lay three quarters of a million pacific persons, pursueing their ordinary avocations in peace, and quite content to leave these things to those with a taste for them, provided only that the land had peace, and the tax-collector did not call too often. The private letters of the private men at that period never referred to religion or politics.

Imagine the feelings of a recusant squire at the idea that every Sunday he was to pay 10 d and his Protestant neighbour was not!

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1) L. S. I—75. 2) L. S. I—120.

Imagine the feelings of a Protestant Magistrate or Juror at a request from Dublin that he—he forsooth—was to fine his own friends to make up deficiencies in revenue, due to Ministerial incapacity! The Earl of Ormonde was to fine his cousins and uncles, and the stately Hamiltons were to appear at Petty Sessions in the dock, along with kern, highwaymen, and topers. The priest was to be faced with a stampede amongst his flock—the mere rumour provoked this[1]—and the parson was to report to the sheriff the recusancy of the local Impropriator, who could make life a burden for him and his progeny. The unfortunate army was to desist from pursuing highwaymen, and officers and men—themselves frequently Roman Catholics—were to devote their energies to acting as bailiffs, in at least one of every two Country houses, sometimes the residences of the officers themselves. The thing became absurd when it was notorious that every law-abiding subject was only too glad to pay for the local police-force, the only machine that could make writs to run. The petitions signed during the previous year against the army are no proof to the contrary. They were but the work of local busybodies, truculent and unrepresentative corporations, "great ones" seeking to escape every State imposition, and impose it on weaker brethren, not to speak of that large body of Irish opinion which signs every petition that local firebrands invent, trusting to the authorities to give it a stern refusal. It speaks volumes for Strafford's perspicacity, that he saw through all this political mirage, even before he set foot in the country.

Neither Charles nor Strafford liked this policy of reviving the Recusancy fines. Of the modern spirit of toleration in affairs of State they had none. The whole object of their careers was religious conformity, as they were only too well aware of how these religious disruptions were affecting the State. Strafford took the view that this new policy would imperil the peace of the realm at his first coming, and that, if he was to do any good in Ireland, he should receive it in peace, and have absolute freedom first to reorganize the army, and to fill the Exchequer.[2] He threw all his influence against the fines, and strongly urged that he should be allowed to try the alternative policy of an appeal for a Benevolence.

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1) S. O. I—175, 176, 182. 2) L. S. I—75.

To this the King acceded, and from York Strafford began to pull the Hibernian wires.

The first effect was a signet letter duly received in Dublin, under the sign manuel of the King. This letter the Council were ordered to publish. It recited the lamentable state of the Exchequer, and expressed great sorrow that the Council had been obliged to report that the King had no loyal subjects in Ireland, not one who would contribute to the army. Of this it expressed some doubt, but took the Council's word. The letter went on to relate that the King was thus obliged to fall back upon "the Counsel which proceeded from yourselves". The Council were ordered to draw up the Recusancy presentments they had suggested, and to have them ready for Strafford's arrival, when he would give every assistance in putting them into force, "the rather because you advise it is a thing much to our advantage, and free from exception".[1] The Council were aghast. Their secret advice was to be published, and they were to face the wrath of their neighbours. They, and not Strafford, were to be dubbed as the propounders of the new idea. They suppressed the letter. This was followed by a scorching epistle from Strafford. "How is it that I understand this letter hath lain sealed up in silence, copies denied to all men, and not so much as the least reason certified over here for your neglect to comply with His Majesty's Directions? Believe me, My Lords, this will not be well taken. I must plainly let you know I will not connive at such presumption, thus to evacuate my Master's directions." The rest of the letter contained a list of other neglects, payments without warrant, documents not forthcoming, and hints of what "my Master" will do, if he hears of this.[2] Cork penned a despatch full of excuses. Loftus, the Lord Chancellor, who loved not Cork, flatly declined to sign it. He had had quite enough of the matter, and was of opinion it 'twere better to side with the rising star. Cork's despatch had to sail as but the particular views of one man.[3] It only elicited a signet letter from Coke demanding an explanation of the Kilmainham affair, of a prosecution enforced "contrary to your own original counsel, and our express pleasure".[4]

In the meantime the belated publication of the signet letter

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1) L. S. I—71. 2) L. S. I—77. 3) L. P. I. s. III—167. 4) Cowper M. S. S. II—486.

had set the heather alight. The law-abiding Recusant was furious at the suggestion that he was opposed to the army, and that he was to be fined like a kern. The law-abiding Protestant was even yet more angry at being included in the same category as the belligerent Recusant. Many jumped at the prospect of scoring off the always unpopular Council. Strafford had also been active. He had despatched a Roman Catholic, whom he described as "his servant", to get in touch with the Recusant gentry. It is just possible that he was Sir Toby Mathew, with whom he was terms of considerable intimacy, and whom he employed an another occasion on a similar errand.[1] To him, of course, he did not reveal that the King was hostile to the Recusancy fines. On the contrary he represented himself as a mere humble "well-wisher to divert the present storm, which will else fall heavy upon them all, a thing framed and prosecuted by the Earl of Cork, which makes the man labour it in good earnest, taking it to be a cause pro aris et focis". This agent soon got in touch with the Earl of Westmeath.[3] Mountmorris describes him, in his secret service reports, as "a vehement Papist, and of a popular carriage amongst the Irish, both for matters concerning religion and the common wealth, insomuch as none of that religion appears in more eminency upon all occasions for the Papists. He should be asked to Court on some pretext and kept there. Has married a grand daughter of Tyrone".[4] He was the bulwark of Pale Royalism, being much under the influence of Dr. Dease, the Roman Catholic Bishop of Meath.

The agent was quickly followed, if not accompanied by Radcliffe, Strafford's chief man in matters diplomatic, and more so on this matter, as he had many friends in Roman Catholic circles. Harris, the Dublin friar, for instance was his protegee, a situation which subsequently led to a storm in a tea-cup. Mountmorris was despatched also with objurgations to hasten, as "the servant sent to feel their pulse has instructions to communicate his secret only with your Lordship".[5] We then lose all trace of the conspirators, save in a letter of an official who complained that Mountmorris "compliments and feasts Mr. Radcliffe, and carries him abroad

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1) P. L. p 172. 2) L. S. I—74. 3) P. L.—110. 4) C. S. P. 1633—689
5) L. S. I—73.

into all the great Lords' Houses", for, as the official thought, ulterior motives as regards his own perquisites.[1] Mountmorris, it should be added, was, at this period at daggers drawn with both Cork and Loftus, and had accused them of corruption, they replying in similar terms.[2] The Council were by no means so unanimous as an outsider would think, and of this too Strafford availed himself.

The upshot of all these manoeuvres was a hasty despatch from Cottingdon to Strafford. "My Lord of Westmeath has come, and peradventure you will judge his business to be some cause of your hastening hither." Cork knew that Westmeath had sailed, but assumed it was only the forlorn hope of a particular person, tendering "a personal charge for one year, unto which the Protestants have given no assent, nor hath it been asked of them. I urge a Royal letter to encourage our work now in agitation".[4] Westmeath however was more than a private person. He was the bearer of a petition signed by all the leaders of Recusancy, from Fingall and Gormanstown down to "Gerald McNawa His X Mark", cacoethes scribendi having not percolated into his palatinate. The gist of the petition was that the "undersigned" in return for an extension of the Graces, would "be found among the forewardest of His Majesty's subjects to pay their parts of £ 20.000 in an equal contribution".[5]

Cork seems to have not had the vaguest idea of all this. He relates that he was actually signing warrants "for issueing the capias against Recusants", when Mountmorris informed him that all such proceedings were "stayed".[6] It was only then that he realized his position. Loftus, Wilmot, and Mountmorris, had thrown up the sponge. All Recusancy was behind the new Deputy, and the new Deputy had the King and the Privy Council behind him. What man in public life, with legitimate or personal aims, would imperil them—and perhaps his liberty too—by preaching publicly that the subject should not give the King a contribution for the defence of the realm, a contribution "moved" by the major part of the wealth and rank of the Kingdom? Whatever allies Cork had stampeded before that situation. Nor was his own posi-

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1) H.V. C.VIII—35. 2) C. S. P. 1632—657, 658. 3) L. S. I—81.
4) Cowper M. S. S. I. 482, 483. 5) Cowper M. S. S. I—481, 482. 6) L. P. I. s. III—167.

tion rendered more secure by the Royal reproof for having fined that Jury at Kilmainham.

The hope of a Protestant revolt proved a very broken reed. The small planter, the bourgeois of the new boroughs, and the "poor country gentleman" were all of a pacific and not revolutionary type, and the peerage was singularly free from bellicose Protestantism, or the new notions of "no taxation without redress of grievances". That idea had as yet emerged only among the business community. Rural landlords had never heard of it, save as a new fangled idea in the cities. The Scotch settlers do not seem to have intervened at all. Strafford took this threat very calmly. "Considering", he wrote, "the inequalities of the numbers and the ill provision of the army, it is safer to take the contribution against the will of the Protestant, than the other against the liking of the Recusant".[1] The combine dissolved when faced. No party could afford to alienate an incoming Deputy, who let it be known that the spoils of office, the doles and all legislative favours would be distributed only among the supporters of the contribution. At a great gathering of rural potentates the contribution was unanimously passed and was then easily and quietly collected.[2]

In one case only did Lord Cork's cabal come out into the open. In Fermanagh what Usher called "ill-content" was displayed but the Primate, who three weeks before regarded the Recusancy fines as "the only course", was now determined to "administer to the chief agents of it the censure which they deserve".[3] Opposing a fait accompli pour le roi was sometimes very different from debating the pros and cons of a mooted policy. In Fermanagh a petition was got up, signed by the leading lights, passed all round the country, and then sent on to Cavan as a round robin. The gist of the petition was that the country could not afford a contribution, that the proposers of the contribution were ill-disposed subjects, studying "only their own ends", and aiming at the destruction of the Planters, and that all benefits given to the contributors redounded only to the Recusants. The only copy of this missive we possess is that signed by the County Cavan, and Bedell says that it was much milder than that of Fermanagh.[4]

1) L. S. I—76. 2) Ormonde. M. S. S. 1—25. 3) C. S. P. 1633—6, 8.
4) L. S. I—150, 151.

The Fermanagh documents must have been rank rebellion as Cork says that the signatories "refused to pay their parts of the £ 20.000".[1] It should be remembered that in Ireland constitutional law was still in embryo. A manifesto of the Rural gentry, countersigned by the king, was held as valid as a Budget resolution. In some documents these gatherings of gentry are actually called "Parliaments".

The originators of the riotous petition were Lord Balfour, the largest landowner, Sir Wm. Cole, the Governor, Dr. Heygate, the Bishop of Kilfenora, and several army officers.[2] The names, rank, and official position serve to show that they must have had some instigation from powerful officials. Strafford, however, would not brook this. For private personages to "mutiny" against a contribution was serious, but for officers of state—and this includes Balfour and the Bishop—it was Lese Majeste. They were all arrested and "committed close prisoners to the castle", Lord Cork having to supervise the operation. It should be remembered that, at this period, in both kingdoms, the arrest of great noblemen was a normal incident in public life. Arundel, Holland, Digby, and Strafford himself, had all undergone this ordeal, which was generally a very mild form of incarceration, and was regarded with as much equanimity as "under arrest" is in the army to-day. On Strafford's arrival they were all "convented", scolded, ordered to apologise, and eventually released.[3] Balfour left the Kingdom and had all the greater reason for remaining in England, because Strafford was anxious to indict him for "trampling" on his tenants.[4] Sir Wm. Cole found a friend at Court in Sir Arthur Ingram, Strafford's financial partner.[5] Dr. Heygate wrote Laud "a pitiful letter", and the Archbishop successfully made peace between him and the Deputy.[6] Cole, was the only one who emerged again in high politics. He was one of the House of Commons Committee who prosecuted Strafford at a later stage. It was he who unsuccessfully warned Parsons and Borlase of the coming upheaval in Ulster, his warning falling, however, on deaf ears, as the Lords-Justices had neither money, authority, or an army. Then his name vanishes, engulfed in the waves of anarchy.

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1) L. P. I. s. III—188. 2) L. P. I. s. III—191. 3) L. S. I—97, 132.
4) L. S. I—245. 5) H. V. C. VIII—37. 6) L. L. VI—324; VII—59.

A more curious incident however, is the appearance of the famous Dr. Bedell in this affair. This famous prelate seems to have been dragged into this hurly burly by cleverer men than he, and by a most curious mixture of motives. He was indignant, very indignant at the appearance in his diocese of a host of belligerent regulars, whom not even their own Bishop could curb. That ecclesiastic, in a letter to Rome, complains bitterly of "quidam contumaces clerici" who harrassed him continually, sueing him before the Civil Courts, which he declined to recognise, thus adding to his troubles.[1] Along with the Roman Catholic Primate he lived within 2 miles of Bedell, and his brother was one of Bedell's parsons.[2] Bedell was yet more wrathful, because the sub-sheriff for the County, who was a Recusant, had assessed him for the previous contribution, despite the Royal Grace exempting Mensall lands from such charges. It was only after a journey to Dublin this imposition had been removed. When he was approached by a strong deputation, headed by his bete noir, the clerk of the local Ecclesiastical Court, he was not strong enough to refuse, or was perhaps too disposed to sign any protest against things as they were, but he insisted on toning down the petition. He cut out certain strong expressions, and subsequently defended his action on the ground that there was not a word in the petition in favour of the Recusancy fines, it being thus a protest against any form of taxation. Strafford, however, took the view that it ill became men the King had rewarded to "mutiny against his contributions", and least of all, when such men had been exempted by Royal Grace. These views he expressed thunderously whenever Bedell's name was mentioned, Bedell charitably holding that this was but Strafford's method of conveying to all "an impression of his Government", and trusting to "time to mitigate his anger". At this stage Laud intervened and indicted sage counsel to Bedell.[3] Bedell wrote a lengthy and very human, if muddled explanation to Strafford. The gist of his discourse was that his petition was not so bad as Dr. Heygate's, and that it would have been worse if he had not signed and altered it, that "Moderate men should join themselves to the multitude to keep them from running into any undutifulness"; that "if I did not follow their humour" the sub-

1) A. H. V.—83. 2) R. P. II—47; B. C.—188. 3) L. S. I—126.

scription lists for rebuilding churches would have been diminished, that, as it was, his action had resulted in £ 1.000 being subscribed, and that "this immediate service of God was far more pressing than the upholding of the army, which I doubt not would be well enough provided for". Finally "I sought rather the satisfying of their desire than hoped the effecting of that which they desired".[1] The gist of all this is that poor Bedell did not approve of the petition, signed it for a quiet life and to please his neighbours, and left it to the Government to lull the storm his signature had assisted to create.

"I pray your Lordship", wrote Laud to Strafford, "use that Bishop very kindly, for either I understand nothing, or else, setting my Lord Primate aside, he is more worth than half the Bishops there."[2] Strafford took his advice and, when Bedell came to wait upon him, "he rose from all his nobles and ran to embrace him with such reverend respects that all present did admire it, and invited him to dine with him that day, and many times after to his table".[3] Thus did the land have peace for a season. In "the land of licence and liberty" high reasons of State made it impossible to enforce a tax upon "Roman Catholics, Brownists, Anabaptists, schismatics, and every recusant that came not to Church".[4] In England, on the contrary, the tax was solemnly enforced on all who conformed not to doctrines established by the Law.

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1) L. S. I—148—150. 2) L. L. VII—60. 3) B. C. p. 42. 4) Egmont. M. S. S. 1—215.

Chapter II

THE GREAT EARL OF CORK

> He had usurped upon your Majesty and your subjects. He used divers words of great arrogance and much indignity, very dishonorable for me to have borne. Therefore being come so near to him, I thought good to my endeavour to abate the courage of so proud and traitorous a person, believing that, in controlling him, being then the greatest, all the rest of the realm would submit themselves, as indeeed it followed . . . . . Then I gave order to the Bishops for the repairing and reforming of their churches, which were generally in pitiful decay.
>
> Sir John Perrott.

The question of Recusancy Fines versus Benevolences was really a struggle for power between Strafford and the Earl of Cork. The character and career of that great man deserves some notice. An Englishman by birth, he had graduated in a clerkship in the Irish Executive, and had gradually ascended rung after rung of the official ladder. His forte was finance. No man of that period displayed such skill in turning every thing he touched into gold. In the reign of James considerable tracts of land came into the power of the Crown. The Elizabethan wars closed with no small number of escheats. Legal research found large areas "intruded on" during the great upheaval. One-fourth of each Plantation area fell to the Crown for developement. Lastly officials were paid in those days, not by salaries, but by grants of land in lieu of salaries. All sorts and conditions of men drew lucky prizes in these applotments, but the Earl had a genius for turning his into paying investments. On the attainder of Sir Walter Raleigh the Government of the period leased his vast estate to the Earl of Cork, partly for a small rent, partly as a reward for faithful services, and partly as the man best fitted to "undertake" 42.000 acres. Hadsor, the Solicitor to the Irish Committee of the Privy Council,

always said that this patent was void.[1] On one occasion Hadsor accused him of inserting lands in his patent, other than those warranted by the signet letter.[2] Of this Strafford's attorney general had heard something.[3] It is more than likely however that the controversy was engineered by Lady Raleigh. She claimed a larger compensation than was originally fixed, and Lord Carew warned Cork that her friends "meant not to recover by the ordinary course of law, but by some other means, which will be much more to your prejudice".[4] Such a large and famous estate as the Raleigh estate could never have been "passed from the King" surreptitiously. If it had, it would have been recovered by Strafford.

The assumption that all wealth must be gained dishonestly had created a vast and inaccurate mass of facile histories, which assume that every Englishman, who prospered in Ireland at this period simply seized on the lands of some law-abiding Irishman. It is to be feared this was not the case. The Earl of Cork is usually assumed to have grown rich by such methods. The Lismore Papers throw a flood of light on all his agrarian dealings. It is true that, being an official, he secured many favourable leases. Of "passing away" estates, however, without warrant, there is not a trace, and of this we may be sure that, if there had been an acre passed without the proper warrant of a Royal letter, or by a letter wrung "on false considerations", Strafford would not have spared the Earl of Cork.

An examination of his papers reveals the secret of the rise into prominence at this period of a class Ireland never knew before, of which class he was the greatest. This class we may loosely call the Planter class. War had devastated the island and destroyed credit. Usher speaks of "a desolation and depopulation, an extremity of famine so great that the women in some places surprised the men that rode by to feed themselves with the flesh of the horse or the rider".[5] "May God spare his hand from further afflicting that land", wrote Sir John Ellesmere. "They have already felt the scourge of wars and oppressions, and are now under the grievous scourge of famine and pestilence".[6] As may be imagined land, in the earlier days of James, was accordingly

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1) C. S. P. 1628—330, 369, 386. 2) L. P. II. s. III—122. 3) C. S. P. 1628—717. 4) L. P. II. s. III—105. 5) U. P.—30. 6) C. C. P. B. VI—130.

a drug on the Market. The chiefs of the septs and the gentry thereof had suffered very badly. The upheaval had culminated in a series of enactments, whereby they were confined to their demesnes, and the tenants were freed from all "cuttings and spendings", paying but a nominal rent. The native gentry were accordingly very anxious to sell or mortgage to raise capital. Capital there was only in the cities, or in England. All during the reign of James the City bourgeois were absorbing the rural estates, partly by purchase, partly by mortgages. The names of the agrarian proprietors of the reign of Charles are those of the aldermen of the reign of Elizabeth. Interest was close on 30 % when Strafford arrived in Ireland.[1] St. Leger issued a Proclamation threatening a prosecution before his Provincial Courts for excessive rates of usury.[2] A pious chronicler of the period, attributes a fire in Cork to the excessive rates of interest charged by the citizens.[3] The Northamptonshire farmers attributed the scarcity of money to the absorption of cash in Irish mortgages and purchases.[4] The financier was now taking the place of the country squire, and the financier was infinitely more hostile to the Prerogative than the old chiefs.

The Money power demands absolute freedom to buy and sell according to the market. Charles was struggling to hold it in check. St. Leger's Proclamation is one symptom. The Earl of Cork for instance, had no love for that Royal order that forbade him to cut down timber and sell it abroad.[5] What view would men of this calibre take of a Prerogative, that forbade them to buy corn in a falling market, and sell it in a rising,[6] that sent men to prison for turning tillage into grazing,[7] that ordered rural proprietors to live on their estates and spend their rents there, and not in towns,[8] that made it a penal offence to pay labourers with token farthings, purchased by the gross and "passed on" to the "meaner sort" at their face value, and not their real value,[9] that compelled employers in bad times to find employment for their hands,[10] that regarded the exportation of gold as the equivalent of treason,[11] and that, in the words of Pym, "restrained the subject from doing

1) C. A. H. appendix VI—22. 2) Council Book of Youghal. Caulfield—55, 56. 3) Council Book of Cork, Caulfield. p. XXII. 4) Montague. M. S. S.—107. 5) L. P. 2. III—46; R. P. II—26. 6) B. L.—25; R. P. II—148. 7) L. S. I—491. 8) R. P. II—144. 9) B. L.—35; R. P. II—251. 10) Gardiner. Personal Government of Charles I—99. 11) L. L. VII—53.

what he wished with his own".[1] When Strafford wished to be more than usually sarcastic he dilated on "the great moneyed men" and their exploitations. Charles did not hesitate to describe men who took legitimate advantage of the Markets as "greedy cormorants, enriching only themselves", "hard-hearted men that keep up the market for their own advantage" [2] Worthy business men, selling at the price men offered to pay, and buying at the price men offered to sell, were aghast at these economic blasphemies, and indignantly asked were there not such things as Magnae Chartae, Statutes permitting, decisions of judges allowing, and sanctity of Parliaments, which alone had the right to interfere, Parliaments in which bourgeoisdom had a very loud voice.

This was the spirit which turned all the English cities into Parliamentary strongholds. This was the force that in Ireland "learned the language of English Parliaments", opposed the contribution, opposed the subsidies in Strafford's first Parliament, assisted to repeal them in his second, and "declared for the Parliament" in the great upheaval. Cork, his son, Broghill, Parsons, Claneboye, Ranelagh, and Clotworthy, were all sprung from this class, appearing often in the Earl of Cork's ledgers, as sureties, trustees, feoffees, purchasers, vendors and what not else, the political leaders of Irish Finance, safeguarding the interests of the investor, the purchaser, and the contractor. It also is worthy of note, that every Irish Borough believed firmly in the new doctrine of liberty and all the southern Irish cities—though nominally Recusant—,when the crash came, declared solidly for the Parliamentary forces. What, forsooth, had Catholic Confederations and the levies of Owen Roe O'Neill to offer to a Cork alderman with a mortgage on the Glen of Aherlow? Would they deal with his refractory debtors like Cromwell's judges? Finance when weak was the "sheet anchor" of Elizabethan state, no walled city ever flirting with the Anarchs. Now it was growing strong, and on Strafford's fall it "rose out for Religion and Liberty, than which there are no two things dearer to the heart of man". The reception given to Cromwell in Dublin, Cork, and Youghal was one of great enthusiasm.

"The Great Earl of Cork" belonged to this class. Despite his

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1) R. P. IV—23. 2) R. P. II—148; III—157.

patent for the Raleigh estate, which he did not secure till 1614, and other occasional Crown leases, it was not to official grants that he owed his wealth. It was to loans to penurious gentry. All through his lengthy and voluminous diary we read nothing but loans, lodgements of title deeds as security, foreclosure on the deeds, developement of the estate, and then more loans from the profits. The Abbey and Manor of Baltinglass, for instance, one of his most profitable treasure-troves, came into his hands by this process.[1] The Earl was no petty usurer. His method seems to have been a loan with the title deeds as security, and then, if the loan was repaid, the accommodation was left to the honour and generosity of the borrower. Where the borrower gave no accommodation sarcastic notes adorn the diary. A more curious revelation is that Strongbow's Tomb in Christ Church was his money changer's table. His monetary turn-over in one period of less than three years ran into over £ 40.000, the equivalent of one of Strafford's subsidies, 25 % greater than the Custom's revenue, and the equivalent of over a quarter of a million to-day.[2] This of course included purchases of land, a commodity rapidly rising in value in this era of peace. He had a genius for turning into gold estates on which other men starved. Wherever he operated, industry sprang up. Baltimore, Clonakilty, Tullow and Bandon, were the children of his creation, and the last was no mean city till burnt by the rebels. He imported clothiers, ironworkers, small merchants and artizans, lent them capital, set them working for him, profiting himself, and them profiting in return. To every form of industry he was partial. He owned iron works in three counties. He exported wool. His corn business was extensive. He shipped timber. Once he lodged a petition in London for a project. Burlamaci, the well known money lender, lodged one in another quarter. They were word for word the same, and it gradually dawned on Strafford and Laud that the continental usurer, who was pressing the King so hard for his debts, was the Earl of Cork, the Kings Councillor, the man he had rewarded so generously. "To think", confided Strafford to Laud "that a man of his means should stoop to such unworthiness for a little money."[3] Nor was this assumption a mare's nest. Burlamaci handled all

1) L. P. I. s. III—21. 2) L. S. I. s. III—118. 3) L. L. VII—561.

Cork's London loans.[1] In one period of three years these Burlamaci transactions ran into £ 16.000.[2]

If, however, he made fortunes, others benefited as well. His numerous family he married to the great ones of the land. Kildare, Digby, Goring, Parsons, Ranelagh, Clotworthy, Barrymore, and Lord Clifford, were bound to him by family and pecuniary ties. An innumerable gathering of minor gentry, parsons, farmers and labourers "had their dependence on him", and in all counties, from Mayo to Wicklow, from Kerry to Wexford, from Cork to Derry, bound by loans, favours, hopes, fears, and charities, in the last of which he was prolific. He was now one of the Lords Justices, a Peer of the Realm, and the richest man in Ireland, retaining every New Year's day no less than eight leading Counsel to defend his multitude of projects. His income was nearly £ 20.000 a year. One thing only embittered his triumph. He had quarrelled with Loftus over a mortgage. The Lord Chancellor was a very nasty man to annoy. He had a majority on the Council. He presided over Chancery. He had a rasping tongue. He was an expert on the seamy side of politics. All this he employed to harrass the Earl on every occasion, and, it must be conceded, that Loftus always got the best of the duel. Laud had a very low opinion of them both. "Lord take me from the way of lying! There is not only a lie but a way of lying. The Earl and the Chancellor are common walkers in this way, though in different paths. Both lie downright, the Chancellor for mischief, and the Earl for vanity."[3]

So much for the Earl as a great public figure. There was, however, a skeleton in his cupboard, one of which Strafford and Laud had heard whispers. On the Lands of the Church he had laid what Bramhall used to call "the paw of sacrilege", and one of the reasons for Strafford's dispatch to Ireland by Charles was to inquire into the great expropriation by the Impropriators. Some of the Earl of Cork's impropriations were bona fide purchases of bona fide estates, "passed" under old patents. Others were long leases "passed" by Bishops and Clergy before King James' proclamation. In these two cases there were "nulla vestigia retrorsum". There were others, however, less watertight. It was quite a common practice with the Earl of Cork, when an estate fell into his hands,

1) L.P.I. s. III—9, 15, 17, 18, 23 etc. 2) L.P.I. s. III—44. 3) L.L. VII—541.

containing these Church lands, to "pass" a new patent for the whole to himself, obscuring the fact that a part was not the vendor's to sell or his to buy. All through his ledgers this transaction appears at intervals. These were "concealed" lands, a subject of much controversy. Then there were the advowsons which frequently went with an estate, and always accompanied Abbey Lands, which, at this period, were everyday appearing in the market, or being tendered as security for mortgages. These, as we shall see, could be manipulated. Lastly, there were "long leases at undervalues", wrung from pliable clerics, either by the Earl or by the vendors, such leases, if issued after James' Proclamation, being legally not worth the paper on which they were written. This form of property was none too safe in the hands of minor men. In the hands of the Earl, however, they were as safe as a Crown Patent. What prelate or official would dare to sue the Earl of Cork for a doubtful vicarage? What jury would give a verdict against him? "Persons of power here", Strafford once wrote, "flatter themselves that authority is set rather over the poor than over them".[1] During this period "the greatness" of individual men made the administration of law a farce. Even in England, where there was a strong central Government, and freedom was the prerogative of the yeomen, Lord Chancellor Finch dispared of ever securing a verdict of Depopulation against great landowners, as "they usually hold juries in awe".[2] To a man like the Earl of Cork an illegal impropriation was accordingly as safe as an heirloom. Others parted with them cheaply. He purchased them, created them, "planted" on them, sublet them, and turned them into gold-mines.

Apart however, from these forms of property there was yet another, which was legal. The Earl would present a poor curate with a living, on condition that the curate leased all the lands and tithes to him, the Earl giving him £ 5 per annum to himself. To a half starved curate this £ 5 probably meant the difference between existence and starvation. To the "Great Earl of Cork" the glebe lands and tithes meant sometimes £ 500 a year.[3] It was simony, of course, but the Statute made only the parson guilty and not the Earl.

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1) L. S. I—459. 2) R. P. II—295. 3) T. C. D. F. 3, 16.

The private advowsons in the hands of the Earl, out of which he thus drew an honest income, were innumerable. Some simply went with estates he had purchased. Others were part and parcel of Abbey Lands, which decaying gentry were flinging into the market. These were some of his Abbeys. Gil Abbey, Rossirk, Baltinglass, Tracton, Youghal, Killeesh, Fermoy, Glascarrick, Negillack, Court, and Molane. Each of these—and there were others—had its little crop of advowsons. Tracton owned six. To one of these he had appointed no Clergyman, which by the way, should have vested the living in the Crown. To four others he had presented a Rev. George Beck, at a total income of £ 3. 15. 0, or of twenty pounds in modern currency. The sixth was in the possession of a clergyman. The total value of the five so impropriated—and Bramhall's valuations were far below the market level—was £ 88 a year. This, of course, does not include the tithes which the Earl also held.[1] His impropriate tithes and church lands in Ardfert—i. e. those livings, to which he had inducted no clergyman—were valued by Bramhall at £ 59 per annum.[2] These he leased to a farmer for £ 130 per annum.[3] To the parson of Kilmacdonough he paid £ 2. 10. 0. The Glebe he leased for £ 20 to a farmer.[4] This poor parson "passed rich" on a total income of £ 10 a year, serving four parishes, which Bramhall valued at £ 53 a year, exclusive of tithes.[5] Gilabbey Monastery had 3 advowsons. One, that of Clonerkin, is valued at £ 20 and the Earl gave the parson £ 4. Two other parishes to which he had inducted no clergyman brought him in £ 200 a year.[6] One can estimate what a gold mine these cases were by multiplying these sums by seven to make them modern currency. This performance was going on in Kerry, Cork, Waterford, Limerick, Tipperary, Wexford, Wicklow, Sligo, Roscommon and Derry. He was, however, doing as others, but doing it more systematically. In Cork, alone, Sir John Fitzgerald, Sir Donough McCarthy, and one, Thady O'Sullivan, ran him very close.

This was the process by which the Earl became a great man, not as is supposed, by confiscating the lands of the septs, who would very soon have sent his bailiffs home with a bloody nose.

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1) T. C. D. 1067. 2) T. C. D. 1067, pp. 349—68. 3) L. P. I. s. III—73.
4) L. P. I. s. III—83. 5) T. C. D. 1067. 6) L. P. I. s. III—101.

The Church of Ireland, however, was much easier game, having no crowds of kern, belligerent friars, Lords of Catholic Confederations, powerful officials, Ulster undertakers, or Spanish emissaries at its behest. In fact to men of this calibre, it was at best a nuisance, a danger, something that might some day serve a quo warranto. This was the process which led to the following state of affairs in Lismore. "All the property of the See of Lismore has been made away by force, fraud, abuse of the seals, and unconscionable long leases. The manors, lands, and fishings, of Lismore, worth about £ 1.000 a year, are now enjoyed by Lord Cork at £ 20 a year. He has passed the lands for the repair of the Cathedral. He has seized the Vicars Choral lands. He has passed all the lands belonging to the Hospital. He has got the Dean's and Treasurer's lands into his hands. He has seized the vicarage of Tullow. He has taken away glebe lands from the livings of which he is patron. Other people do the same kind of things and only prompt action by the King can save the Church."[1]

How is it that these things escaped notice? The Earl of Cork did not exactly placard the Dublin hoardings with his leases and impropriations. Woe betide the curate however who advertised his simoniacal bargain. He was liable to be prosecuted. The Earl too discountenanced all such criticism in advance. When the Earl of Kildare was his ward, out of the Earl's revenues, he repaired the Church at Maynooth.[1] In 1615 a visitation was held in Cork. Livings of the Earl's that were in a bad state were calmly foisted on to the Abbey that he held, and it would take a most discerning man to detect that they were his. The miserable stipends paid to the clergy were never mentioned. That discovery was reserved for Bramhall. Lastly he himself was entrusted with that part of the report that dealt with the livings attached to the College of Youghal, his greatest impropriation. "It hath" he said "serviceable Churches and Chapels thereunto annexed". Then follows a list of 5 Churches in repair and the names of a dozen ministers. In the other parts of the report one finds the less reputable parishes, simply put down as "tenet collegium". No small number of livings are omitted. An ordinary reader would jump to the conclusion that the Earl had built and repaired five

1) C. S. P. 1634—48, 29. 2) L. P. I. s. III—165.

Churches—which probably he did—and that he was the patron of a dozen active clergymen. It was not till 1633 that Bramhall unearthed quite a different state of affairs.[1]

Nor did the Earl's blandness end here. On Strafford's arrival he soon became aware that Bramhall was inquiring into these things, and that Laud was daily laying them before the King. His diary contains the following entry. "God bless my good intendments and endeavours in his work. This day I resolve to re-edify the Cathedral of Lismore, demolished by the White Knight and other traitors. I have given orders to have the same built and re-edified, as fair and fairer than ever it was before."[2] Laud was ribald when he heard of this. "I will believe it when I see it. None so fit to build a new by repentance as he that pulled down the old by sacrilege. It is a fine pretence to speak of the new when he is ready to be questioned for the old."[3]

Between a man of this calibre and a man of Strafford's mentality there was a deep gulf fixed. One was a financier, a business man, endowed with that frame of mind that weighs everything in cash. Strafford regarded all affairs of State with an eye to only two things, the Royal Prerogative and the reconstruction of his Master's Realm, both ideals tinged with the conviction that he alone was able to achieve these consummations. He came to Ireland determined to vivify that via media, that Church of which his Master was Head. He came in avowed alliance and on terms of great personal intimacy with Archbishop Laud. That Prelate was the only statesman, in whom he seems to have ever really confided. Laud's attitude on these things is well known to students of English History. Laud knew of Cork's depredations, even before Strafford was Vice-Roi. In circumstances such as these, Strafford was fated to be hostile to Cork. Cork did not seem to suspect what was in store for him. At the height of the tussel over the Recusancy fines he proposed that the Deputy should marry his daughter, not being aware at the time that Strafford was secretly married.[4] Strafford evaded the offer by proposing instead a match between Cork's eldest son Dungarvan, and a distant relative of his own, one of the Cliffords. For a long while after this he and Cork remained on terms of great

1) A.H.II—175—215. 2) L.P.I.s.IV—6, 7. 3) L.S.I—255. 4) L.S.I—74.

personal intimacy, dining, wining, visiting and card-playing. Entries in his diary run as follows.

"I supped with the Lord Deputy, and lost £ 5, to the Lord Deputy at Marten."[1]

"I feasted the Lady Wentworth and the three children and rode 3 miles to meet my Lord Deputy."[2]

"This day as I was sitting at supper, unknown to any, up came the Lord Deputy. He very nobly and neighbourlike sat down without any addition."[3]

"The Lord Deputy invited me to dinner. The Lord Deputy and I lost five pieces to the Lord Chancellor and Lady Moor. We saw a tragedy, and what was more tragical had no supper."[4]

Strafford acted as matchmaker between Dungarvan and the Cliffords, arranged all the marriage settlements, and was godfather to Cork's grandson. Cork still remained a great public personage, sitting on the Commission for the Connaught Plantation. Suit after suit, however, went against him in the Castle Chamber or at the Council Board. Whenever Strafford gave a decision in his favour his glee is duly recorded in his diary, and when he decided otherwise the smothered curse is scrawled across the page. As the months roll on the curses increase, and as decision after decision went against him in rectory after rectory, and tithe case after tithe case, his enemies gathered strength and poured in their suits till he was involved in a whole series of litigations over these Church Lands. The final blow fell in the famous case of the College of Youghal. Strafford lost his temper that day, and said something that Cork has recorded but never explained. "God's wounds, Sirrah, when the last Parliament in England brake up you lent the King £ 15.000, and afterwards, in a very uncivil and unmannerly manner, you pressed His Majesty to repay you. I resolved before I left England to fetch it back from you, by one means or other."[5] There is no trace of this loan in Cork's ledgers. Burlamaci, however, all during this period was either lending the King money or pressing him hard for repayment, and Strafford knew who Burlamaci masked. To a man who gave the King £ 10.000 out of his moderate estate—he owing

1) L. P. I. s. IV—6. 2) L. P. I. s. IV—44. 3) L. P. I. s. IV—143. 4) L. P. I. s. IV—6, 44, 143. 147. 5) L. P. 2. s. III—257, 258.

the king very little—there was indeed something improper in a man, who owed James and his son everything, who was rolling in money, letting loose on his benefactor this very shady money lender, while, at the sametime, acting as one of the King's Counsellors. To understand the hostility of Strafford to Cork's impropriations a knowledge of these things is requisite.

The first disagreement bordered almost on the comic. The "Great Earl" had august relatives buried here and there in St. Patrick's. There was Sir Richard Weston, Lord Chancellor, Sir Geoffrey Fenton, Cecil's secret agent, and his second wife, to whom he seems to have been greatly devoted. In a moment of conjugal piety and, perchance personal vanity, he conceived the idea of gathering together their remains, and burying them under a vast erection, adorned with appropriate inscriptions. It was his intention also to lay his own bones there, when his allotted span was accomplished. His "greatness" was such, and the pliability of the Chapter was such, that he was allotted a fee farm at the East End of the Church, where the Communion table now stands, a place which he describes as "the upper end of the Chancel".[1] It may be added that a feefarm grant was illegal, and, that, by Statute, the Chapter were forbidden to use that part of the Cathedral for the glorification of eminent politicians. Four hundred pounds the Earl spent on this erection, which is one of ghastliest and crudest pieces of Church architecture ever devised, reflecting very little credit on the Chapelizod stone-cutter he employed.[2] Underneath he deposited what he called "the boanes" of his unfortunate relatives. Thus as Bramhall put it was "a glorious tomb erected in the proper place of the altar, as if it were contrived to gain it worship and reverence".[3]

Unfortunately for the Earl, Dr. Leslie, the Dean of Down, had no regard either for him or the Chapter. It was he who reported this to Laud, a short time before Strafford's arrival.[4] He had even gone further, "this vain-glorious man", as Blair used to call him. It fell to his lot to preach a funeral sermon in St. Patrick's in the presence of the Earl, then Lord Justice and Treasurer of the Realm. He took as his text the following words of Isaiah.

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1) L. P. I. s. III—175. 2) L. P. I. s. III—172. 3) Dom. 1633—179.
4) L. L. VI—361.

"Go get thee unto this Treasurer and say, what hast thou here, and whom hast thou here that thou hast hewed thee out a sepulchre here, as he that hewed him out a sepulchre on high, and that graveth a habitation for himself in a rock." Leslie always insisted that he meant no personal application, but the Earl "took it in horrible high dudgeon", and Charles "laughed heartily".[1] Sufficient to say that Laud had instructed Strafford to inquire into this matter.

The Earl immediately set to work to vindicate his claims to a sepulchre in the Chancel, and, after the methods of the time, circularized all men of power with appeals for aid. Portland—the King's chief Minister of that period—came in useful. He was a great financial ally of the Earl's, and, what was more, was a relative of the Sir Richard Weston, whose bones were in peril. He regarded Strafford with great suspicion. Holland and "the Queen's side" had made a dead set upon him, and had all but ejected him from office.[2] He had got it into his head that Strafford had been in this intrigue, and all Strafford's protestations to the contrary had left him unmoved.[3] To him therefore Cork despatched a letter, making no mention of the improper locality of the tomb, hinting that it was personal spite on the part of Laud, spite at the expense of Portland's defunct kinsman. A less lovely trait in the Earl's character is that he told Portland, who was a typical John Bull, that the workers and the materials for this tomb came from England and cost him £ 1.000, when his own diary shows that the stone-cutters were Dublin men, the iron work came from his own Mines, and the cost was £ 400.[4] All this is no doubt what Strafford referred to—the letter came into his possession—when he complained to Portland's son of "malignant air stirring about your father in my contrary", and "the fears I am put in by this lying generation wherein I live".[5] Portland was seriously annoyed. He told Laud that "since my own blood are buried in it, it might as well stand since it is now up".[6] Laud wrote to Strafford urging "both in regard of the King's service and your own good, not to let this occasion a breach between you".[7] Strafford, however, being on the spot and seeing this erection, was

1) L. L. VII—70. 2) Ven. 1631—526. 3) L. S. I—79. 4) C. S. P. 1634—43; L. P. I. s. III—172. 5) L. S. I—236. 6) L. L, VII—69. 7) L. S. I—121; L. L. VII—70. 72.

adamant, persisted, and, in the end, young Dungarvan told his father that Portland's intervention did more harm than good, and "did prejudice better efforts" to get a Royal sanction for the tomb.[1]

A more curious symptom of the times, however, was that both Usher and Bulkeley gave Cork letters of recommendation, which letters considerably embarrassed Laud. The personal equation always looms large in Ireland, and an appeal for aid from a great personage, to whom both were under mony obligations, no doubt procured these letters in which both said whatever they could for the Earl. We must remember too that both were affected, if not by the Puritan trend, at least by the frame of mind to which Puritanism appeals. Both the King and Laud had noticed the growing tendency among the Irish Bishops to "preach without their episcopal habit, as if they were ashamed of their calling".[2] In Usher's Chapel at Drogheda "there was not so much as a communion table".[3] In Christ Church Cathedral the Communion Table also served the purpose of a seat.[4] Bedell complained to Usher that "Malignant and untruthful" scribes had accused him of "praying towards the East".[5] The probable explanation of their attitude is that to them, one part of the Cathedral was as good as another, and the erection of a tomb at the East end would appeal to them as a definite repudiation of a traditional past, in which they saw nothing but the sale of Indulgences. Needless to say, neither exactly dwelt on this view when writing to Laud. Usher, for instance, confined himself to stating that the tomb stood where "there was an ancient passage".[6] This was quite true, but he took very good care not to commit himself to any statement, as to whether or no that was the proper place for the communion table, or whether it was even the East end of the Cathedral. Bulkeley went further, and stated that the exact location of the tomb was not the exact spot where the altar stood, and added as a final plea that the Earl had been a great benefactor to the Church and the Realm.[7] Land replied by referring the question of the exact locality of the Communion table and the tomb to a Commission, and confining himself to doubts as to the propriety of seizing a

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1) L. P. 2. s. III—197. 2) C. L. VII—291—293. 3) L. S. II—249. 4) C. S. P. 1633—17. 5) U. P.—419. 6) U. P.—460. 7) P. L.—84, 85.

large part of the Chancel for the Earl's relatives. To Cork he wrote "My Lord, if you have done as you write in regard to charitable works, you have suffered for many years by the tongues of men, who affirm that you have not been a good friend to the Church. If these reports be true I cannot account your works charitable".[1] To Bulkeley he was more open. "If the Earl takes from the Church to build a church or school elsewhere, tis' no zeal, nor the way which Christian bounty used to treat. As for his fortifications I pray God that they be not done with the Church's money also".[2]

The end of the affair was that Dungarvan, then in London, was "peremptorily" told to "give the matter over" as it had been debated before the King and Council this too despite the fact—so a gossiping parson wrote to Strafford—that "some made great means to the contrary" and had pressed on the King a signet letter, authorising the continuence of the erection.[3] This the King bluntly refused to sign. A signet letter followed referring the whole matter to a Committee consisting of Strafford, Usher, Bulkely, four other Bishops, the Dean and the Chapter.[5] Usher, it should be added, had already repented the letter Cork wrung from him.[6] The Commission in full array inspected the tomb, and on the point as to whether or no the altar had stood in that place they examined—so Cork complained—"some weak aged people who spoke by hearsay, to very little or no purpose."[7] Strafford says he "made them all so ashamed of themselves", that Cork actually asked permission to remove his tomb.[8] At a later stage Strafford reported it as "put up in the boxes as if it were marchpanes and banquetting stuffs, going down to the Christening of my young master in the Country".[9] "Christening!" wrote back Land "No Christian ever set a tomb there. I rather think 'tis sent to be set up at Youghal or Lismore, where he hath been so great a benefactor."[10]

All these references to Christenings were directed at Dungarvan's first born, to whom Strafford acted as Godfather.. Dungarvan's wooing had been marred by all these alarms and excur-

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1) L. L. VII—364, 365. 2) P. L.—85, 86. 3) L. S. I—265; L. P. 2. s. III—198. 4) L. S. I—243. 5) L. P. 2. s. III—194, 195. 6) L. L. VII—64. 7) L. P. 1. s. IV—39. 8) L. S. I—298. 9) L. S. I—379. 10) L. L. VII—116.

sions, the Cliffords being friends of Strafford's. Dungarvan complained to his father that his sire's reputation had prejudiced all parties against him. The young lady he managed to win over, but he complained bitterly of the old lady's "sovragness to me", which required much eloquence to soothe.[1] Eloquence was his strong point. Of him, Garrard, the Master of Charterhouse, said. "He talks enough. Pray God he can do enough."[2]

It was not however, to the christening of the little Dungarvan that the tomb was going. It was re-erected in the end, under what Strafford called "the arch", near the Western entrance, where the spectator still gazes in wonder at its proportions. "A far fitter place" wrote Land "than over the altar. So massy a tomb, however, should not stand upon Cork."[3] Thus ended this unseemly affair, after much expenditure of time, temper, and ink.

The next affair however, was of more stately proportions and more materially profitable to the Commonwealth.

In June 1634 Strafford send for Cork. In the presence of the Bishops of Cork and Waterford, Wandesforde, and Radcliffe, he told him that the two prelates had lodged a petition demanding justice in regard to the College of Youghal, then in Cork's possession.[4] The Bishop of Waterford and Lismore was Michael Boyle, first cousin of the Earl of Cork. He seems to have been a man not above cracking jokes at the expense of his famous cousin, but on matters financial, both Laud and Strafford give him a very bad character. He was obviously one of the less desirable nominations of the pre-Laudian era. According to Laud it was his cousin's depredations on the See of Lismore that made him go with the Crown in the affair of the College, as it was plainly apparent that the new administration were determined to restore his See to its pristine glory. Laud was amazed when he heard that this prelate was about to appear as a supporter of the Church against intruders, as but a short time before he was perilously near to a prosecution at Strafford's hands for something very like simony. When his petition did arrive he "abused his Cousin so fearfully", that the King roared with laughter over his "rhetorical clinches".[5]

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1) L. P. 2. s. III—193. 2) L. S. I—244. 3) L. L. VII—174. 4) L. P. I. s. IV—29. 5) L. L. VII. 70, 221; L. S. I—81, 189, 212.

His brother, the Bishop of Cork and subsequently Archbishop of Tuam, was of a different calibre. Laud from afar thought that he was but as his brother, and refers to "his pieces of Latin like old ends of Gold and Silver which both he and his brother love very well".[1] This was written however in error, Laud assuming that a diatribe of Strafford's on "My Lord of Cork" refered to the Bishop, and not the Earl.[2] This opinion Laud subsequently withdrew on explanation, though he stuck to his opinion that Boyle's "style was like a beggar's coat, patch upon patch".[3] Richard Boyle had done his best to keep the Earl from plundering the advowsons and rectories of Cork. The Lismore papers are full of suits between the pair, and Cork seemed to be of the opinion that the favours he had shown the Bishop might at least be repaid at the expense of the Church. Subsequently on Strafford's recommendation Boyle was made Archbishop of Tuam.[4] His regime in Cork had culminated in a series of successful lawsuits to recover livings from the Earl.[5] Tuam must have been a veritable rest cure after his long spell of activity in Cork. When Strafford was leaving Ireland he wrote "Good Lord, leave not your poor beads-man open to wind and weather, to the rage of his and your ill-wishers; Let not my enemies work upon me disrespects".[6]

The College of Youghal was founded in the 15th century by the Earl of Desmond, partly as an ecclesiastical, partly as an educational Institution. In the lapse of time livings and lands fell to its share, and Edward IV gave its authorities power to purchase.[7] In the religious upheaval its Prior followed the path of the Reformation, surrendered, received a regrant, and Henry VIII appointed his successor on his death.[8] In the confusion that followed the institution, like all clerical and educational establishments, seems to have lost much of its original function, and also the greater part of its lands. Commotions, escheats, concealments and defective patents gradually whittled it down to the acreage on which it stood and its many advowsons. The lands and revenues amounted to £ 700 a year.[9] The advowsons, however, were many, reaching from East Cork into Kerry. The defective

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1) L. S. I—214. 2) L. S. I—156. 3) L. L. VII—52, 53. 4) L. S. II—211; L. L. VII—417. 5) L. S. II—248. 6) L. S. II—386. 7) C. P. R. 3. Edw. IV. 8) C. P. R. 32. H. VIII—67. 9) C. S. P. 1634—49.

visitation of 1615 allots it 12 rectories.[1] That of Bramhall's reported 17. He valued the annual value of the lands appertaining to such rectories at £ 432 per annum. Along with the tithes they amounted to an annual income of £ 820.[2]

The warden of the College was the Bishop of Cork, and one of the Fellows was the Bishop of Waterford. The Crown brief in the Youghal case alleges that the Bishop, having procured the seal and the charter, under the pretence of filling up a vacant fellowship, passed, without the consent of the Fellows, all the property of the College to the Earl for 20 marks a year. This charge however, was withdrawn, and the Earl's lawyers seem to have held that there was no danger of such a grave charge being pressed. What did happen was that the lands and advowsons did pass to the Earl for this nominal rent, and that the seal and the records were passed with them: Till 1632 no more Fellows were elected, though vacancies occurred. Accordingly it looked as if the College was destined, in the end, to be vested in the Boyle family. In 1633 some disagreement seems to have occurred and Dr. Boyle with his cousin, the Bishop of Waterford, the only surviving Fellow, elected two Fellows. The Earl's chances were thus lessened. He then made a slip, a serious slip, because, up to this, his conduct had been legal. He interviewed all the Fellows. He induced them to pass a new lease under a bond. He guaranteed to increase the rent to £ 86 a year, payable to the Fellows. They in return were to take an oath that never, while this money was paid, would they ever call in the lease, stand on any legal rights, question what the Earl claimed, or might claim from the College.[3]

This was an illegal oath. No subject can swear never to exercise his legal rights. No subject can extract such an oath from another. "No citizen", one time said a famous Judge, "can divest himself of his civil rights any more than his civil duties". Otherwise we could sell ourselves as slaves. He who benefited from such agreements, at this period of widespread corruption and intimidation on the part of "Great Ones", got scant mercy from Deputies of the Strafford type. The Tudors and Stuarts, were by no means sentimental reformers, but this form of bargaining they never tolerated in their realms. Lord Cork pleaded it was "a custo-

1) A. H. II—174—215. 2) C. L. XII—5; T. C. D. 1067. 3) C. S. P. 1634—49, 50.

mary oath in Ireland". In this he was no doubt telling the truth. It was to abolish those "customs" that the Castle Chamber was created.

This had reached Bramhall's ears. Rives, the Attorney-General, had passed a most unfavourable opinion. On September 22nd 1634 an "information" was issued by the Attorney General against the Earl to appear in the Court of the Castle Chamber.[1]

The Earl held the premises of the College converted into a private house. He also enjoyed the lands of the College, which were valued at £ 700 a year. Apart however, from this alienation of Crown property there was another feature of the case. The misuse of those advowsons was a scandal, and a scandal rendered all the worse by the fact that the Earl was one of the King's servants, one of those to whom he had entrusted his Irish realm. To the three parishes of Creagh, Myross, and Tullagh the Earl had appointed no clergyman, reserving to himself the tithes and glebe lands. The last parish also included the Vicars Choral Lands of the Cathedral of Lismore.[2] The parishes of Garryvoe, Killeagh, Kiloredon, and Kilmacdonough, whose glebes were valued at £ 53 a year, were served by a Curate whom the Earl allowed £ 10 a year, he himself retaining the tithes. The lands and tithes of the last parish he sublet to a farmer at £ 20 a year, twice as much as he paid the vicar for the whole four.[3] Carrigaline yielded the Earl £ 100 a year, out of which he paid the parson £ 2. Mallow, valued at £ 20, yielded its rector £ 5. Ardagh, value £ 20, yielded its rector £ 10, and Clonpriest, value £ 30, yielded its rector £ 10. Parishes so remote as Schull and Kilmoe were held by the one man, each of which parishes, if its revenues had gone to the clergyman, and not to the Earl could have been provided with a parson.[4] Neither by law, purchase, prescription, or custom, were these revenues the Earl's. The possession of the advowsons was consummated by a felony. The bargain by which the revenues were retained was transacted by simony. The whole edifice was one of exploitation at the expense of the Church and the community. The College of Youghal, the lands, and the advowsons must have been worth well over £ 1.000 a year to the Earl, and these he had now held for nearly 30 years.

1) L. P. 2. s. III—203. 2) C. S. P. 1634—49. 3) L. P. I. s. III—8?. 4) T. C. D. 1067.

Strafford had been very cautious in allowing this warrant to issue. A month before he notified the Earl of legal proceedings he had notified the King, and had asked that the case be tried in Dublin, and that he be not ordered to "stay" the prosecution once he had issued the writ.[1] Laud had already sounded the King with no results at first, but, after Strafford had written, the King replied that, if Strafford "followed it with irreprehensible honour and justice", the King would allow "no favour or underhand dealing to take the Earl out of the hand of Justice".[2] A few days after the warrant issued he reported the case to the Privy Council. They replied that "Justice should proceed without respect of persons".[3] At a later stage when the pleadings had been entered, the Privy Council ordered that "Justice must be administered as formerly was directed".[4] In all the proceedings connected with this case Strafford moved very warily. Over and over again he called on Laud to send him precis notes of the King's instructions. A slip would have spelt ruination, as the Earl was a great personage with great personages behind him. On the issue of this case was fated to depend the whole question of the impropriations, and Ireland is a country profoundly affected by test cases fought in public, skirmishes, petty in themselves, and yet sufficient to show which side is the stronger. The issue at stake was "Greatness" and political power on one hand, and the Law on the other. Every impropriator knew, that, if the Earl fell, it would be better for minor impropriators to "come in" and compound.

The Earl first approached Strafford. It should be remembered that both were on terms of great personal intimacy. To Laud Strafford wrote "I must confess I never undertook a business more against my own private affections in my life. I laid myself open to the calumny of tongues, not only as a forsaker, but a prosecutor of my own friends. I never had so hard a part to play in all my life, but neither alliance nor friendship shall be ever able to separate me from the service of God, or my Master, or persuade me to quench the flame in another man's house, by taking the fire of his guilt into my own bowels".[5]

The word "alliance" in this passage has a significant meaning

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1) L. S. I—257. 2) L. L. VII—70, 77. 3) L. S. I—305. 4) L. S. I—347. 5) L. S. I—459

Young Lord Clifford was Strafford's brother-in-law. He was also Dungarvan's brother-in-law. Between Strafford and the Cliffords were many ancient ties. It was he who had drawn up the marriage settlement between Lord Dungarvan and Mistress Elizabeth Clifford, and in those marriage settlements he had inserted the lands of the College of Youghal, before Rives informed him that Youghal was not Cork's property.[1] In other words Strafford was compelled by the exigencies of the situation to take legal proceedings to escheat part of the marriage settlement of one of his best friends, settlements for which responsible. What would the Cliffords say if he succeeded? His duty towards the King was indeed leading him along troublesome paths.

On receipt of the summons Cork made an effort to get Royal permission to come to England. This the King refused.[2] Then he dispatched his secretary to Portland. Laud heard of this from Raylton, Strafford's Court agent, and went straight to the King, imploring him not to "suffer it to be taken off by pretences". The king was firm, repeating again his primary condition that Strafford should be "just and honourable".[3] To this all the Irish Committee of the Privy Council agreed on the general grounds that "so foul a practice against the Church" should not pass unnoticed.[4]

Balked in this direction the Earl then tried to bring the influence of the Cliffords to bear on Strafford. Francis Clifford wrote to the Deputy, but, on receipt of a confidential letter from Strafford, declined to interfere. He told Cork that he could expect justice, tempered with mercy, from Strafford, if he would only put himself in Strafford's hands. To Dungarvan, however, he dropped a word of warning—"Say what you have to say to him as a friend, but if it should happen that he receive it from other hands, assure yourself it will be extremely ill taken".[5]

Lady Clifford was then approached. She tried to influence her husband, but again he declined.[6] Young Lord Clifford, however, was more gullible. His brother-in-law was Lord Salisbury, and Laud says it was this simple young man who set that nobleman and Lord Pembroke in motion.[7] "Through his own pressures and the power Lord Clifford has with me" complained Strafford "he

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1) L. P. l. s. IV—33. 2) L. S. I—255. 3) L. L. VII—93. 4) L. L. VII—103. 5) L. P. 2. s. III—203—205. 6) L. P. 2. s. III—207, 208, 235. 7) L. L. VII—151.

seeks to mould me into what figure he likes best". Cork actually brought young Clifford over, and sent him to ask Strafford to call in Rives' summons.[1] When however Salisbury and Pembroke appeared at Court matters became serious.[2] Their moderate request was that Cork be tried by the Council in London. It looked reasonable, but the Council in London had no conception of the importance of the case, no idea of the real signifiance of the exploitation of those advowsons, and were liable to pressure. The King then issued a signet letter asking Strafford's opinion as to wheter "you think it right the Earl should come over".[3] It is dated Jury 13. When Cork went to Portumna on August 16th, to act as one of the Commissioners for Connaught he presented this signet letter to Strafford.[4] Strafford immediately saw the danger. No longer was the authority of the Castle Chamber over great subjects an unmovable principle. The question of Cork evading it had now become a matter for debate, essays from Strafford and decisions in Whitehall in the Deputy's absence. "If" he wrote "the Earl by the pressure of his friends on that side should stop the proceedings in the Castle Chamber, escape the punishment in this case, and shake His Majesty from his former Counsel, the consequences of it would be passing bad. It would be a blemish on justice and raise an overweening in persons of power, as if our authority were set over the poor rather than them, a belief they are on all occasions ready to flatter themselves into. This is the great stop to justice on this side." An appeal after his decision he was ready to grant, as to a superior court. This was always the prerogative of the subject. "I never", he one time said, "stayed any man that wished to complain of me".[5] That, however, cases pending at law should be remitted to the King direct was something he would not tolerate. It meant that Whitehall would be thronged with suitors, that judges in Ireland would be "influently discouraged" and that the King would be obliged either to yield to importunities, or to make enemies by "denying unjust demands". Lastly there was the personal matter. This prosecution he had taken up. At the last moment a powerful litigant had balked his authority. "So soon as men think me lost in credit with my Master instantly I become useless and dead to these affairs." Strafford

1) L. S. I—459. 2) L. S. I—449. 3) C. S. P. 1635—108; L. L. VII—150. 4) L. S. I—459. 5) R. P. VIII—477.

finished off this manifesto with a frank offer, so as to cut the ground from under the feet of those who alleged that it was his intention to ruin the Earl of Cork under the guise of legal proceedings. Let him and the other judges of the Chamber hold the trial. If forgery was proved the Earl should pay the full penalty of the law. If only the illegal oath was proved he would leave the fine to the King, agreeing that the case should be settled in private and the Earl be not disgraced. His suggestion was the surrender of Youghal and a fine of £ 10.000.[1] To this the King agreed.[2] "You shall never want", wrote the King "that countenance which your service requires, as at this time Cork must—though unwillingly—witness to you".[3]

"Remember the turns of a Court" was, however, one of Laud's maxims. Raylton suddenly informed Laud "that a new servant was come over with a new suit about the Earl". Laud refused to believe him. It was not till later the King told him that he had signed a letter permitting Cork to come over, to surrender Youghal, and pay a fine to be fixed in England. "My desire was", said Charles, "to preserve him from shame in any court of Record, if he would submit, pay, and give the Church and others her due". This was done "at the instance of" Pembroke and Salisbury.[4]

The attitude of Charles is easily explained. Cork had acknowledged through his agents he was in the wrong. On the penalty there was a general agreement between Charles and Strafford. Why then let him not make his submission in England, instead of humiliating him in Ireland? Charles, however, though shrewd in many ways, seemed to know very little of the actualities of politics. What did he or his advisers know of the dimensions of the Youghal lands? What deed might not Cork pass to them as a total surrender? What bargainings would there not be over the dimensions of that fine, in which the King, forsooth, was to be the arbiter? He did not know—Strafford had never told him, for obvious reasons—that Youghal was not Cork's to surrender. It was in the Clifford marriage settlement. Strafford was now faced with the pleasing prospect of Cork journeying to London, surrendering Youghal, which belonged in part to Lady Dungarvan, and then bargaining for months with a Committee of ignorant and indif-

1) L. S. II—460. 2) L. L. VII—180, 191. 3) L. S. I—464. 4) L. L. VII—201.

ferent English Statesmen, as to what recompence he should pay the Crown for his exploitations of the Irish Church. Cork himself says that he regarded the letter as the vesting in the King alone of what the penalty was to be, or whether there was to be any penalty at all, the Deputy, the Attorney General and the Castle Chamber being but an institution to take depositions, "The Lord Deputy was very much offended with me for procuring this, as if I had appealed from his justice and from the power and integrity of this State".[1] Strafford sent a short note to the King pointing out the intolerable position of a Deputy who got one command one day and another the next. "I am lost how to proceed. I humbly beseech the light of your pleasure to wind myself out of this labyrinth . . ."[2] The King then withdrew the last signet letter, and Cork had to stand his trial.

The case came forward in the Spring of 1636. The account of the proceedings given by the Earl of Cork is that of a much injured man, badgered by a powerful enemy over a petty slip in law. He never, however, mentions his treatment of the advowsons. He never dwells on the fact that the signet letter, wrung by Pembroke and Salisbury, assumes that the Earl of Cork held Youghal illegally, was willing to hand it back, and to submit "to a fine for the offences he has committed".[3] His agents must have flung themselves on the Royal mercy. Lastly his own lawyers told him that no legal ingenuity could get over that unfortunate oath he had purchased from the Trustees, that for all time they would regard the College as a kind of outlaw.[4]

Strafford obviously did not wish to push things to extremes. The forgery charge had broken down. The second charge he had promised the King, if possible, not to bring into open Court. A year before Cumberland had told Dungarvan that the best thing for his father to do was to put himself in the Deputy's hands, and leave it to him to decide what recompence should be paid to the coffers of State. "If this comes to a public hearing", said Strafford, "it will be through your own wilfulness and default. You are never ruled or advised by me, who have been and are the best friend you have".[5] If it came to a public hearing it is obvious that Cork

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1) L. P. 1. s. IV—130. 2) L. S. I—478. 3) C. S. P. 1635—108. 4) L. P. 2. s. III—254. 5) L. P. 1. s. IV—175.

would have to be deprived of all his offices, and this Cork did not seem to understand. His account of the proceedings is that of a man who never seemed to dream that Strafford would put the law in force. As the hour approached all his friends implored him to make terms. Usher, Ranelagh, St. Leger, and Parsons intervened, urging on him not to stand on his dignity, past services, or rank, but to make an offer of composition. Strafford sent for them, and told them it was their duty to keep this affair out of the Courts, and that they must use all their influence to make the Earl realize that he had broken the law, and must pay for it. On the morning of the trial, Cork was still adamant, and it was not till his son Dungarvan offered to assist him to raise the fine that he gave way. He acknowledged his offence, agreed to surrender Youghal, and to pay a fine of £ 15.000. The Court was then informed that its services were not required. [1]

Carte, the biographer of Lord Ormonde, has commented se verely on this fine, and more recent historians have taken the same view. It is not till we examine the facts that we realize the leniency with which Strafford treated Cork. Cork had held Youghal for 30 years. [2] The value of the lands of Youghal were £ 700 a year. The scandalous profits from the advowsons were at least £ 400 a year. Strafford estimated the ecclesiastical tithes and advowsons at £ 820 per annum. [3] It is a small point, but yet not to be ignored, that, as owner of Youghal, Cork was also proprietor of the ancient Monastery of the Island. [4] In the 1615 Visitation its sole rectory of Kilbolane is described as "Church and Chapel up. No curate. Valoris 50/-s". [5] Bramhall, who made out his Visitations without any consultation with Cork, reported. "Valet £ 36. Curatus Nullus." [6] A partial judge, filled with venom towards Cork, would not have ignored incidents like this, viz:— closing down a Church and seizing on the rector's income. Such a man would have, at any rate, imposed a fine equal to the profits from the College of Youghal. These profits must have been close on £ 1.200 a year, and certainly over £ 1.000. The College had held by the Earl for over 30 years. The fine was only £ 15.00.

Yet even this payment was not all a fine. The lands of the

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1) L. P. I. s. IV—179—183; 2. s. III—247—259. 2) L. P. 2. s. III—210.
3) C. I. XII—3. 4) L. L. VII—181. 5) A. H. II—201. 6) T. C. D. 1067.

College were given back to the Earl. The fine which Strafford had anticipated was £ 10.000. This, however, assumed that he surrendered the College. Strafford imposed a fine of £ 10.000, the extra £ 5.000 being the purchase price of the College lands, which were restored to him at the Market value. By these means Strafford preserved the Clifford marriage settlement.

To get the lands passed however, Cork had to sign a petition. Strafford had it ready drawn up when Cork came to see him. The boat was just about to sail and there was no time to read it. Cork first tried to scan it. Strafford snatched it from him, and ordered Radcliffe to read it. Radcliffe was gabbling through the document when the bugle sounded, and a footman rushed in to say the Ship-Captain would wait no longer. "Sign it man", roared Strafford. "You put yourself in my hands. Trust me in this at any rate". Cork signed and Strafford rushed out of the room, the unfortunate Earl wringing his hands in misery at the idea that this was some plot to get him to sign some terrible document. "It hath ever since disquieted me."[1] The patent however duly arrived and Cork slept soundly.[2] Part of the agreement, however, was that "the parsonages, vicarages, and tithes of the College should be disposed of as his Majesty should please".[3] No longer were they to be the Earl's. It was the Crown and the Bishop who were to be the patron. "The poor unlettered clerks" thereon from henceforth "passed rich on forty pounds a year", serving but one cure, and the bad old times, when the Earl drew the revenues, and the curates "bore the name thereof", serving as much as six parishes at a time for £ 10 a year, passed away into the limbo of exploded conventions. The Earl of Cork's diary contains the following entry—"and the perfidious, Bishop of Cork, my faithless and unthankful kinsman, whom I have raised from being a poor schoolmaster, hath by false inventions done all this, and saith it is felix solus".[4]

Thus ended the cause celebre of the period. In the household of every impropriator there was panic. As Bramhall said "one victory publicly obtained at the Council Board by well husbanding of it, brought forth twenty private submissions".[5]

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1) L. P. 2. s. III—259. 2) L. P. 2. s. III—271. 3) L. P. 2. s. III—257.
4) L. P. I. s. IV—195. 5) C. I. XII—6.

Chapter III

THE CHURCH LANDS

> The great source of my solicitude is lest any description of citizens should be brought to regard any of the others as their proper prey. Revolutions are favourable to confiscations, and it is impossible to know under what obnoxious names the next confiscations will be authorized. BURKE.

The question of the Impropriations may be regarded as the real motive power of political life at this period. Every political issue in England, Scotland, and Ireland, during the reign of James and Charles is affected by ownership of, or the claims to the lands of the Church. The cause of the rebellion in Scotland was not Laud's Prayer-Book. It was the claim of the Scotch aristocracy to convert their squatter's rights on these lands into full ownership. It may be safely said that nine-tenths of the Church Lands in Scotland had been seized by great nobles, while James was an infant badgered by their anteprelatical chaplains. The driving force of the Parliamentarians in England was the intense desire of the aristocracy and squirearchy to turn the Church Lands into demesnes. The names in the roll of the Long Parliament were those of the sons, brothers, and nominees of the Great Houses, and, when that great upheaval terminated, the bulk of these lands were in the hands, not of Cromwell's soldiers, as orthodox history assumes, but of the county families of England. Cromwell's soldiers could not even get their pay from the Long Parliament, and when Cromwell made his coup d'etat the Church Lands were gone. All the lands and tithes in Wales were sequestered, six clergymen being regarded as sufficient for that province. All the richer parishes in England were likewise sequestered, all Bishops having first been abolished, and 3.000 cler-

gymen—not favourable to the granting of leases—being replaced by lay chaplains' having their dependence' on local squires. The reader will notice that to the cry of Liberty six times as many clergy were dismissed in one year, as were dismissed all during the religious storms of Edward VI, Mary, and Elizabeth. The tithes of England were left untouched. They were largely in lay hands already. Cromwell's father, for instance, was a farmer of such.[1] These sequestrations were then leased, sold, or passed, and one can imagine by what methods a revolutionary public assembly makes contracts of public lands. The Revolution in England, was a land agitation, led by the upper and middle classes, for the purpose of expropriating the Church and "passing" its lands to themselves. It was only after this transfer was accomplished, that the County families of England became loyal to their King and respectful to Bishops, aye and scornful of raucous democracy, its Republicanism, materialism, and anarchy. The same phenomenon appears in Ireland, and the history of James and Charles must be read with one eye fixed firmly on the Church Lands.

Up to Strafford's arrival—exclusive of course of "intrusions" during the wars—the transfer of the lands to private personages had been a matter of peaceful penetration, "concealments" under defective patents, and "long leases at undervalues". The first of these came to a dead stop with the reorganization of the land department. Strafford's law officers were a singularly vigilant body of men. Over one however, Parsons, he kept a very wary eye, scanning his decisions in the Court of Wards every afternoon. Parsons was not exactly corrupt, but he was connected with Cork, Ranelagh, and Clotworthy, all of whom specialised in Church Lands.[2] One of Strafford's greatest scoops in the patent Department was his discovery in the nick of time that Lord Bourke of Brittas, under cover of patenting his title, was seeking to pass to himself Crown lands, which were about to be leased to his cousin Lord Cahir.[3]

"Long Leases at undervalues" were a more difficult problem. One of the first measures passed by Strafford's Parliament was an act enforcing the principle of King James' Proclamation. All Bishops and Clergy were forbidden to make any lease for a period

1) Marsden. History of Puritanism. II—127, 345, 45, 47. 2) L. S. I—190. 3) L. S. I—159.

of longer than 21 years. Such leases were void if, in the opinion of a jury or "four indifferent persons", nominated by the Crown, "a moiety of the true value" was not reserved for the incumbent.[1] There were three exceptions to this Act. One was in the case where the lands were required for public purposes. Another enabled longer leases to be given in towns, as otherwise building would be restrained. The third exemption covered the Ulster Plantation. In this case the Bishops of the Ulster Plantation area were empowered to grant leases for 60 years, but this power only extended for five years after the passing of the Act.[2] This act alone reveals how ineffective had been the Ulster Plantation. Those lands, as we know, were barred by no clauses compelling letting only to English settlers, or tenants who would take the Oath of Supremacy. So scarce however, was the population and so free was Ulster from land-hunger, that, in order to secure tenants of any kind, the Crown had to guarantee longer leases than prevailed in any other part of Ireland. "This", said Bramhall, "will cause the Plantation, which has hithertoo kept away from our lands, to spread on to them. The Deputy also desires to set the tenants' minds at rest".[3] Such an Act alarmed Charles and his advisers, and it was only after a lengthy correspondence, and reiterated pledges that he would supervise the long leases, that Strafford secured the Royal assent.[4]

The effect of these Acts was to bar for ever a revival of "the long leases at undervalues". The penal conditions attached were such as to make it dangerous to be a possessor of such leases. One can imagine the feelings of those who "had their eye" on this or on that glebe, waiting for some pliable parson to be inducted. Those who have had experience of the agrarian passions and methods of the nineteenth century will appreciate this feeling of balked fury, when they remember that these sentiments were, at that time, the prerogative of a higher social rank.

The next step was the recovery of those lands, still within the grip of the law. To facilitate this operation an Act was passed, which must have stricken panic into the heart of the Earl of Cork. By this Act all leases made by a minister, parson, or vicar, who was absent from his cure for twelve or more weeks in

1) Act. 10, 11. Car. I. Cap. 3. 2) Act. 10. Car. I. Cap. 5. 3) C. S. P. 1635–96; C. I. XII—42. 4) L. L. VII—108; L. S. I—374, 405.

the year were void, by the mere act of such absence.[1] Accordingly, men like the Rev. Adolphus Beck, Cork's chaplain, who held four rectories at £ 10, had to chose on which rectory they intended to settle. The leases of the lands to the Earl of the remaining three instantly became waste paper. On each of these he had to install a parson, and, as parsons were scarce, and livings many, no impropriator could again get men to accept £ 2. 10. 0. for a £ 50 glebe. The effect of this was first to make the owners of advowsons give a larger moiety of the tithes and lands to the parson, and it put a complete stoppage on nonresidence. Nor could the owner of the advowson neglect to appoint a parson. By an old Statute such absence of induction vested the parsonage in the Crown.[2] Bramhall says that there were "many" such cases.[3] This statute Strafford put into full force. The Earl of Cork lost the vicarages of Kinsale and Dungeynon by this process.[4] He also lost the rectories of Martelstown, Rathranon, and Ardfynnan, which he had left lie vacant 30 years.[5]

This latter incident was resurrected at Strafford's trial. Cork instantly sued the incoming rector, by name Rev. Arthur Gwyn, on the ground that these rectories were impropriate by law, and not therefore liable to the statute of Henry VIII. Strafford flatly declined to allow such a case to be left to the mercy of a jury.[6] It was always open to the Crown, in cases where great subjects sued minor men, to bring the case before the Council Board for trial, and that Court had also the power of interfering in cases connected with Church lands, such being, in theory, the King's personal demesne, and therefore subject to his personal jurisdiction. Strafford ordered Cork to "call in his writs", and bound him either to sue for a trial before that Court within a year, or to allow the case to go by default. Cork shrank from this ordeal and took the latter course. "If you don't call in your writs I'll clap you in the Castle. I'll not have my orders disputed by Law or Lawyers." Such were the words, which constituted the fourth article of the indictment. Strafford denied having ever uttered the words, though "I might justifiably speak them if the orders

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1) Act. 10, II. Car. I. Cap. 2. 2) Act. 28. Henry. VIII. Cap. 8. 3) Vesey. Life of Bramhall p. LXXX. 4) L. P. I. s. IV—86. 5) L. P. I. s. IV—71, 81. 6) L. S. I—380.

were justly warrantable, and honourably made".[1] A less seemly aspect of the case was that Pym tried to tear poor Gwynn's character to pieces on the ground that he was "an under-groom to the Earl in his stables". One would have thought that a horsy vicar was better than none at all, but, be that as it may, Gwynn was an M. A. of Trinity College, which is more than could be said for the average curate of the pre-Strafford era, and of the presentations of the Earl of Cork.

All lands, however, passed since James' Proclamation, fell within the orbit of Strafford's sweep. All leases which bore the taint of simony were also escheated. The "simoniacal leases", which appear so often in the letters of Bramhall and Strafford, are those granted for a negligeable rent by a parson, in return for induction. "The boundless heaping together of benefices", wrote Bramhall, "is done by plain usurpation and indirect compositions between the patrons, as well ecclesiastic as lay and the incumbents, by which the least part, many times above 40s, rarely £ 10 in the year, is reserved for him that should serve the Altar". In Ferns and Leighlin, for instance "there was scarce a living that was not farmed out".[2]

The recovery of these, and the supervision of those already gained, involved not only constant vigilance and activity, but, what was more, frequent quarrels with great and powerful subjects. Strafford seems to have delegated all this department of State to Bramhall, himself only entering in when Bramhall was assailed or impotent. Bramhall was one of the Yorkshire coterie that Strafford brought with him. He was a man of boundless energy, great scholarship, considerable controversial ability, and possessed of a genius for financial management and legal research. He was by no means a persona grata with those outside the Church of Ireland, as he was gifted with a logical pungency in controversy that must have been most destructive to the vague generalities of his enemies. His activities in connection with Church Lands must have added to this odium. He was impeached on Strafford's fall, but the impeachment came to nothing. The fury with which he was assailed is astounding, if one did not realize that behind it lay this agrarian passion. "The ground is

1) R. P. VIII—175—185. 2) R. P. VIII—107, 181. 3) Vesey. Life of Bramhall. p. LXXIX.

only my reservedness", he wrote.[1] Nearly 200 petitions poured in against him, alleging every crime in the decalogue, not one of which his accusers could substantiate. Pym actually suggested that his purchases for the Church were for his own private benefit.[2] "I challenge the world", he wrote later "for a farthing I ever got by references or Church preferment".[3] What saved him was Poyning's Law.[4] If the Irish Parliament had had the power they would have executed every member of Strafford's administration.

This odium into which he fell must have been purely political, as his ecclesiastical regimen was singularly moderate, and that at a time when Bishops had great legal powers. As Strafford gave Bramhall a free hand in matters ecclesiastical, if he had been of a tyrannical nature, he could have done much damage. "Since I was Bishop" he wrote, "I never displaced any man in my diocese, but Mr. Noble for professed Popery, Mr. Hugh for confessed simony, and Mr. Dunkin, an illiterate curate for refusing to pray for his Majesty". This record is all the more remarkable when we remember that his Diocese contained a fair number of Scotch divines, sympathetic to the Kirk, and that, for the first and last time in Ireland, a Court of the High Commission was installed in Ireland to cope with the upheaval in the North. "The Earl of Strafford", he continued, "did commit much to my hands of the political regiment of that Church for eight years. In all that time let him (a Roman Catholic controversialist) name one Roman Catholic that suffered either death, or imprisonment or so much as a pecuniary mulet of 12d for his religion upon any penal statute. I remember not one Roman Catholic that suffered in all that time, but only the Romish Bishop of Cashel, who was indeed imprisoned for three or four days, not only upon suspicion but upon information from out of Spain that he was a pensioner of the Catholic King, and, upon being found to be not a dangerous person, was, upon my representation, dismissed".[5] When we remember the commotions that reigned in England and Scotland at this period, the arrests, fines, inprisonments and reprisals, Burton, Prynne and Bastwick mutilated at the pillory, Episcopalian

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1) P. R.—75. 2) R. P. VIII—107. 3) Life of Bramhall. Vesey. II—123.
4) P. R.—81, 85. 5) Vesey. Life of Bramhall. I. XCI; L. S. II—125.

divines hounded out of Scotland, 3.000 Clergymen driven out of their livings in England, every Roman Catholic in Great Britain fined £ 40 per annum, and that terrible massacre of the Protestants in Ulster, we can scarcely regard the charges levelled by all parties at Strafford and Bramhall as correct, especially when they never descend to details, never mention a name, place, date, or anything save vague and general pronouncements of "tyranny" and "confiscations", "favouritism of Papists", and "persecutions of the King's Catholic subjects". The real offence of both Bramhall and Strafford was that they called a halt to the exploitation of the clergy and the expropriation of the Church, by leading men of every class, creed, and political party in Ireland.

There was one great difficulty in recovering lands which were passed on illegal or simoniacal leases. These leases were often sold, and were sometimes in the hands of heirs. These persons as Strafford said "which now possess the land came in by mean conveyance, and are, in no ways, acquainted with the fraud". The first case of this nature was one where an unfortunate man had purchased a lease from a lucky weight, whose term was 60 years, and whose rent to the Church was one per cent of the value. Strafford's decision was—in cases of Church, Plantation, and Crown lands the Common Law did not apply but only Equity —that, if the possessor was the man who "passed" the lease, he had to surrender. If, however, he came in by "mean conveyance" as a third party, a valuation was made of the lands, and the whole financial aspect considered. If the profits on the land to the farmer were equal to, or greater than the price he paid for the lease, he surrendered, but received, as compensation for disturbance, another lease for 21 years at a rent of 60 % of the value. If the profits did not make good the consideration given, the lease ran on till such time as it did, and then he reverted to the condition of the second case.[1] By these means vested interests and bona fide purchases were carefully protected. The few decisions that do come to light out of the multitude of cases decided, reveal a meticulous respect for the principles of Equity. The Earl of Cork for instance had a lease, which was legally void and yet in equity valid. It was a lease passed in 1607 for 55 years by Dr.

1) L. S. I—171.

Lyons, Bishop of Cork, Cloyne and Ross of lands in the latter two dioceses, before he was consecrated to those dioceses. This Cork had purchased from the original lessee for £ 500. Legally it was waste paper, but Strafford remitted the case to arbitration, and it was decided that Cork should pay a fine of £ 150, and be allowed to retain the lease for the life of the existing Bishop.[1]

The greatest case of Impropriations was that of the Diocese of Waterford and Lismore. Some account of this has already been given. Michael Boyle, the cousin of the Earl of Cork, petitioned Laud in regard to the State of his Diocese. The gist of the petition was that, through alienations, the Cathedral was in ruins, the Bishop's income was only £ 50 a year for the two sees of Waterford and Lismore, and that the Earl possessed of the Church lands an acreage to the value of £ 900 a year.[2] All this Laud had heard long before Dr. Boyle wrote, but as he wrote to Strafford, "then I had no hopes in the world to do any good, and, if your Lordship does it not, depono spem".[3] Bramhall subsequently bore out Boyle's assertions.[4] In the Earl of Cork's accounts there occurs an item of £ 26 rent to the Bishop for "parcels" subsequently valued at something like 20 times that sum.[5]

Dr. Boyle died towards the close of 1635, and the See was of so little value that Laud despaired for a time of securing a successor of a high calibre. At last he and Strafford fixed on Dr. Atherton, who was, at that time, one of the leading authorities on Canon Law. It is worthy of note that Laud always warned Strafford against this most unlucky nomination, one which played a most disastrous part in the politics of that period.[6] Atherton then petitioned, sued, and seems to have displayed considerable activity in pressing the case. Strafford referred it to the arbitration of Bramhall and Parsons, the latter acting for the Earl. In this case there was nothing of the nature of that of Youghal. Part of the confusion was due to the lax methods employed in passing first the Raleigh patent, then the Raleigh Inquisition and finally the Cork patent. In other cases the Earl simply came in by "mean conveyance" as a purchaser of other leases. The finding

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1) L. P. I. s. IV—186. 2) C. S. P. 1634—45; L. L. VII—221. 3) L. L. VII—67. 4) C. I. XII—51. 5) L. P. I. s. IV—90. 6) L. L. VII—238, 249.

of the arbitration was the surrender of some leases, the granting of other leases to take the place of some of those thus escheated, and, in one case, the granting to the Earl in fee farm of an estate.[1] Laud describes this arrangement as "certainly to the advantage of the Bishopric".[2] Bramhall says that it raised the income of the see to close on £ 1.000 a year.[3]

The fate of Dr. Atherton was unhappy. When Strafford left for England a powerful group started an ante-Monarchical agitation in the House of Commons. It began with a movement to recast the subsidies on which the Royal Army, mobilized against the Scotch, depended for its very existence. This was accompanied by an attack on the Church of Ireland.[4] At the height of the debates a petition was laid before the House accusing Dr. Atherton of immorality.[5] The venue chosen to make the charge and the circumstances in which it was brought, make the whole incident savour rather of political propaganda than civil proceedings. Wandesforde speaks of a storm of political excitement raging round the trial. Atherton was tried under a statute of Strafford's creation, found guilty, and publicly executed amidst the greatest popular contumely. What made the matter even worse was that it provided the prosecution at Strafford's trial with the one point they could make against his and Laud's administration of the Irish Church, Atherton and poor Gwynn figuring largely as a kind of opprobium to the Deputy. "Suppose", said Strafford, "he had a private fault of his own may not a man be deceived. Unless I had the inspection of Almighty God, I suppose this cannot be laid to my charge."[6]

Carte however bluntly asserts that the accusation was false, and does not scruple to accuse the Earl of Cork of being the originator. A pamphlet published by the clergyman who attended Dr. Atherton on the scaffold makes this startling assertion not so dubious as would at first sight appear. It lays emphasis on Dr. Atherton's repeated denials, and adds that these "were confirmed by his chief accuser at his accusation", who subsequently denied the whole story, on which the prosecution was based. Credence is lent to this by Atherton's words. "I think I see the Town Clerk

1) C. S. P. 1637—167. 2) L. S. II—102. 3) C.I.XII—51. 4) H.C.J. I—148—151. 5) H. C. J. I—165. 6) R. P. VIII—123.

of Waterford here. I desire him to command me to my neighbours that I have taken notice that none of the Romish Church had a hand in this complaint against me."[1] Atherton obviously meant to convey that the charge was fabricated in quarters other than those, where one would assume odium theologicum would have been responsible. Ware, however, throws cold water on all this theory, and assumes Atherton's guilt. Be that as it may it provided a valuable political weapon at a very critical moment.

The war with the impropriators taxed Strafford's energies for a considerable period. The fact was that Bishops seemed to regard the Revenues of the Church in pretty much the same light as Georgian statesmen held the public funds, as Local Government Bodies to-day regard municipal revenues, something whose alienation is of little moment. Strafford speaks of "Bishops aliening their very houses" as quite a normal phenomenon.[2] Bedell's Episcopal Mansion had been leased away by his predecessor, and his biographer says this was quite the custom with all the earlier Bishops of that area.[3] James in his wrath fulminated against "the unconscionable avarice of some Bishops that have perverted my godly intentions, and conveyed away the very inheritance of the Church".[4] On one occasion, while a case was pending, the Bishop of Killaloe, compounded with the defendant, passing lands worth £ 500 for £ 26 to Sir Daniel O'Brien, subsequently a Peer. "I sent for the Bishop", said Strafford, "told him roundly he had betrayed his Bishopric, that he deserved to have his cassock pulled over his ears, and so warmed his old sides, as I made him break the agreement".[5] Dr. Echlin of Down leased the palace and the grounds to his son for 60 years at a nominal rent. Then he leased some advowsons to the Earl of Antrim, a loyal subject but a recusant, thus giving to one of another religion a veto on the presentment of all the episcopal nominations. These leases Strafford managed to recall.[6] In this case no man, lay or cleric, dreamt of informing the Deputy. The discovery was due to his own vigilance.

Another case was that of Archibald Hamilton, Archbishop of Cashel, whose diocese was in a terrible state after the depredations

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1) "The Penitent Death." Dean of Ardagh. Dublin 1642. 2) L. S. I—188. 3) B. J.—48. 4) L. S. I—188; C. S. P. 1612—289. 5) L. S. I—171. 6) L. S. I—172.

of Miler Magrath. Laud once wrote of him "My confidence in that man is not infinite".[1] He had sued at common law for certain vicarages and, of course, lost his case in, as Strafford put it "a Kingdom where hardly a jury can be got that would not feel themselves interested in the question".[2] It was this case that convinced Strafford that all cases of impropriation should be tried before the Council Board or the Castle Chamber, and it was only after some difficulty he wrung permission from England to do so. Even Cottingdon deserted him on that point, "so many enemies had the impropriations made".[3] After certain legal proceedings sixteen of Miler's leases were declared null and void, and by law were vested in the Archbishop. Neither Laud nor Strafford would, however, trust him with these, not even relying on the Statutes to restrain him. He promised to make over the rectories to trustees, failed to do so, prevaricated, and, when ordered to come to Dublin, pleaded sciatica. "In good faith", wrote Strafford, "he hath beguiled me. He keeps his sixteen vicarages still, but I will roundly prepare for him a purge, especially now he hath got "his lands", as he calls them".[4] In the end he made them over. At a later period the King recommended him for a commendam, and for some Plantation lands. The Queen of Bohemia, whose nurse Dr. Hamilton's wife had been, interceded on his behalf.[5] "To tell your Lordship", was Strafford's reply, "unless the King and you will have it so, I judge he hath already full as much as I take him to be worthy of".[6] To this Laud agreed.[7]

In this atmosphere we see the rapidly disappearing aftermath of the Pre-Reformation era, and of the chaos of the Elizabethan wars. The last of this type in England was John Palmer, the Dean of Peterborough, who, according to Laud, "sold all the lead from off the Cathedral".[8] It was not till the reign of James, when the Monarch imposed prelates, related neither by birth nor political alliance to the great Houses, that Bishops began to regard their sees as something other than horns of plenty for friends and relatives. After the Strafford era that type disappears in Ireland, and the ferocity with which all the Carolan Bishops were assailed was primarily due to the fact that they were impervious to these in-

1) L. L. VII—59. 2) L. S. I—380, 381. 3) L. L. VII—141, 159. 4) L. S. II—43. 5) L. L. VII—393. 6) L. S. II—157. 7) L. S. II—169. 8) L. L. VI—357.

fluences. They stood between a rising class and their agrarian ambitions. Hinc illae lacrimae.

The process of calling in illegal leases was slow but sure. Strafford's schedule of compensation undoubtedly brought in many, who were only too glad to get rid of this dubious form of property for a safe and legal lease. In Bramhall's account of the Ulster Dioceses the vast majority are headed "compounded", and very few "gained" or "voided". Bramhall relates how in Down, "pressing some of them with points of honour, and others of conscience, they all consented to surrender their estates to the Church, and accept leases at valuable rents".[1] The members of the Council, for instance, on Strafford's first coming submitted all their leases to arbitration. Sir Robert King, to whom Strafford was a persona grata, inasmuch as he was one of the few officials who came over to give evidence for the defence at the trial, surrendered every "parcel" of his ecclesiastical property for 4 years' purchase, half of the market value. Lord Ormonde handed over all his to arbitration. Two Northern clergymen of means bought in the Countess Tirconnell's leases, and passed them to Bramhall on very favourable terms.[2] Many of the impropriations that came in were also "the fruits of private treaties".[3] What, of course, added to these recoveries was the escheat of the Derry Plantation. This gave Bramhall something very like compulsory powers over an area of 47.000 acres. His greatest achievement in this case was the recovery of the school. By the Plantation Covenant James had set aside a large acreage for its upkeep. The Corporation agents, however, had dealt otherwise with this public trust.[4]

Part of this activity affected considerably those hospitals and schools the State and the pious donor alike had founded. "Lands", wrote Strafford, on his first coming, "and that in bountiful proportion, given to these charitable purposes, dissipated, leased forth, for little or nothing, concealed contrary to all conscience, and the excellent purposes of their founders. All the monies raised for charitable uses are converted to private benefits".[5] One of the Bishops gave a similar account.[6]

As regards these schools and hospitals Strafford appointed a commission to inquire into their whole administration, and took

1) C. I. XII—71. 2) C. I. XII—42. 3) C. I. XII—6. 4) C. I. XII—53. 5) L. S. I—188. 6) C. S. P. 1625—1660—157.

a course for "restoring the temporalities".[1] It is very curious to notice that, in theory, compulsory Education was enshrined in a Statute, as far back as the reign of Henry VIII, the subject being compelled to send his son either to school, the workshop, or to husbandry, the Lord of the Manor being entrusted with the administration of the Act.[2] An Act of Elizabeth's compelled Bishops to erect a school in every diocese, Crown Livings providing the revenues.[3] James had devised 13.000 acres for lands in Ulster. Charles sent over instructions to enforce the Act of Henry VIII.[4] He also created and incorporated the Royal schools in the North of Ireland.

These schools were by no means so theological as many assume. They seem to have been the resort of men who subsequently become priests.[5] In fact the constant complaint of the authorities was that the schoolmasters were frequently Roman Catholics, and this was made a charge against Strafford.[6] The five Royal schools of Ulster "were not precluded from this charter, or by any Act, or by any law from receiving any denomination".[7] Mr. Heron also points out that the oath taken by graduates in Trinity College, up to the time of Laud, only repudiated the temporal, and not the spiritual supremacy of the Pope.[8]

Students, however, should be very careful not to assume from this that the modern spirit of liberty existed then. It was unknown at that era. A man of one religious denomination strove always to use the State to bend that of another to his will, just as a majority of citizens to-day impose their political ideas on the minority. The reason there were no tests in these schools was because their charters were drafted on the assumption that there were no religious differences. Up to the middle of the reign of Elizabeth every citizen of any rank went to Church, and, up to the middle of the reign of James, recusancy was of no import. The oath of Supremacy was a purely political matter when the original Statutes of Trinity College were drafted. Both the College and the Schools were created as departments of the Church of Ireland. The modern religious differences were not so acute as to be worth

1) L. S. I—188, 212. 1) Act 28, I. Cap. 24. 3) Act 12. Elizabeth—Cap. I. 4) C. S. P. 1629—471. 5) C. S. P. 1636—120. 6) L. S. I—188, 213; R. I. A. P. V—10. 7) Report on Foundation Schools. 1839. p. 49. 8) Constitution of Dublin University. Heron.

noticing in Charters. When the secession of a large number of Irishmen from the Church of Ireland into Roman Catholicism occurred matters changed. The new Statutes, created for Trinity College by Strafford and Laud, imposed an oath repudiating emphatically both the temporal and the spiritual supremacy of the Pope.[1] The Stuart regime was not tolerant, neither was that of the Tudors. Where, however, the Government of these Islands differed from those of the Continent—with the exception of that of Richelieu—was that it did not imprison or slay for religious opinions. Otherwise it was not what we would call tolerant. All this absence of tests, these Roman Catholic Schoolmasters, and this education of Priests was unintentional. It arose from the casual conditions of the country, in which everyone did as he pleased, and the Government always let sleeping dogs lie.

Strafford's commission began to operate in 1634.[2] The Bishops, at the ensuing Convocation, signed a guarantee that they would put the statute of Elizabeth into force.[3] All the statutes, enacted as regards Church property, passed by Straffords first Parliament, applied also to hospitals and schools. Alienation of their revenues was now barred and donations were now possible. Weak trustees also were hedged in by a barrier of legal restrictions. The gradual impropriation of the schools was, it is true, barred as far as the law could operate, but they must have suffered in the ensuing melee. Leslie one time remarked that one of the peculiarities of the belligerent religiosos was that "they have pulled down many churches and yet built but a few hospitals".[4] Some however survived and still flourish with no mean record behind them.

Other methods of recovery there were also in the Vice-Regal quiver. The Commission of Defective Titles was beset by applicants with shaky titles, ready to compound. One method of composition was the acceptance of a local advowson on the part of the Crown.[5] The Commission were ordered to pass no titles, till Bramhall had examined the documents to see, if any Church lands were concealed behind the phrase "ancestral estates".[6] These private advowsons had been a great source of scandal. Apart from the simony, to which they often gave rise, it was most undesirable that a Roman

1) T. C. D. Statutes. Mc Donnell. p. 65. 2) C. S. P. 1634—91. 3) C. S. P. 1625—1660—189. 4) R. I. A. P. VI—10—36. 5) C. S. P. 1641—298. 6) C. I. XII—52.

Catholic—however well intentioned he might be—should have the right to say who was and who was not to be the local parson. A veto of one religion on the clergy of another was a penal restriction no State ever invented, or put into force outside of Ireland. It was this that had undoubtedly caused the existence of a type of parson, whose wife and children were Roman Catholic, who himself was the same in all but name, and whose alienations to his patron were a bye-word. Strafford speaks of "divers" such, of whom he could "give many instances".[1] Bedell speaks of three such in Kilmore.[2] Charles refused to have such men "deprived", except on good cause shown. "Any other punishment, beside deprivation His Majesty is willing should be laid upon them, provided it be according to law."[3] Once however, there was a check on long leases and prosecutions were possible for alienation, advowsons became of little profit to the lay patron, and it was an easy matter to win them from him, in exchange for a Parliamentary title to a defective estate.

It was Strafford's intention to utilise the Plantations for a similar purpose. The compulsory powers they vested in the State, and the flood of light the exposure of all title deeds threw on the Impropriations of Connaught, Ormonde, and Thomond would undoubtedly have given Bramhall scope for his energies. As it was, even before the inquiry into Connaught began, Strafford had discovered that Clanricarde had been able to mortgage as his own property, a little crop of vicarages and rectories for £ 4.000 and an annuity of £ 80 a year.[4]

These recoveries were made chiefly by arbitration. In all Ulster—and there was the scene of Bramhall's chief activities—not a dozen cases came into Court.[5] Of those innumerable cases the bulk were compositions, compensation paid for disturbance, few, very few being escheats. The majority were "private treaties upon reference from my Lord Deputy".[6] The outcry and demand for a repeal of all these verdicts was vitiated by the fact—as the Bishops subsequently said—that they should have been "excepted against pendente lite" and that it was "repugnant to all justice to disclaim a judge, chosen by the parties, after the determination".[7] Ware says that Bramhall was called in as an arbitrator. The as-

1) L. S. I—188. 2) U. P.—453. 3) L. L. VII—66. 4) L. S. I—288.
5) C. I. XII—64. 6) C. I. XII—6—24. 7) C. S. P. 1625—1660—255.

sumption of a domineering Deputy, confiscating the lands of honest subjects, is a hallucination, depending on the vague outcries of the Impropriators at Strafford's trial, outcries that never came to the test of detail. In nine cases out of ten the Impropriators were "men of rank and of quality" with friends on the Council Board, friends on the Privy Council, friends at the Court, and a right of appeal to the King, which Strafford never refused. By law Strafford and Bramhall were barred from even challenging seven out of ten impropriations. A Royal patent settled lands for ever on a man and his heirs. A lease before Jame's Proclamation was as valid as the Magna Charta. The Ulster cases that came to trial were tried by the Council Board, and on the Council Board there were men, whom no Deputy could browbeat into an illegal decision. Usher says Strafford never canvassed the Council in a legal trial, or used undue influences and was sometimes in a minority. There were men on it actually hostile to the Church. This is Bramhall's account of that Board. "Even some of my old friends are as averse as any when they can do it in private. Of those who sit at the stern we never expect a word."[1] What, however, makes it as clear as noonday that all these proceedings were just and equitable is that not one was brought forward at Strafford's trial, not one out of that long litany of charges, the vast majority of which were mere window-dressing to create prejudice, and certainly not charges such as would be entertained in a Court of Law. "What force did I ever use to any?" replied Bramhall to these charges. "What one men ever suffered for not consenting (to arbitration)? My force was only force of reason and law."[2] It was to this aspect of the affair that the famous Jeremy Taylor referred when he said "He did more than double the Revenue, not by taking anything from them to which it was due, but by resuming something of the Church's patrimony, which by undue means was detained in unfitting hands. By his incessant and assiduous labour he restored the clergy to a condition much more tolerable, for though he raised them above contempt, yet they were not near to envy".[3]

"More than double" is Jeremy Taylor's estimate. From this we may safely deduce that about three-quarters of the Pre-Re-

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1) C. I. XII—64. 2) Vesey Life of Bramhall. p. XCI. 3) R. I. A. P. 82—7. pp. 23, 24.

formation lands and endowments remained in lay hands. When the Lords of the Catholic Confederation made their bid for Imperial Power, it was that awkward question which dissolved their league, at the critical moment, into a series of sects, parties, factions, and roving companies. They and the Priests who followed Rinnucinni tore that semblance of a Roman Catholic State into shreds in their internecine warfare over this question. "This question", wrote Rinnucinni, "will at all times give rise to suspicion. They refuse a dispensation from me, as but a fresh indication of illegitimate possession. Though I speak, promise and threaten, they are incredulous that the ecclesiastics will not take steps to restore themselves. Not one of them believes me." As for his Ulster levies, with which he sought to dominate the Confederation, he describes, how they and his Priests were held in "aversion by all the Irish who had Church property".[1]

What however, was of far more benefit to the Church, College, Hospitals and Schools, was a new Statute. Up to this no one could endow any of the aforementioned, nor even restore an impropriation to the Church. This is the real reason why the Church of Ireland had fallen so low. "The Church", said Bramhall, "was free to alien the whole revenues thereof, but had their hands bound from receiving anything".[2] If a pious donor was legally entitled to an impropriate rectory, he was debarred by Mortmain from returning it back. It has been a matter of wonder to subsequent generations why a country prolific in charities, and why the particular community in that country, which is, probably, the most generous on record to charities and pious purposes, should, at this period, have allowed its clergy to sink to a level lower than the labourers. Alienations on one side and Mortmain on the other were the causes, and Mortmain was a penal law that was enforced. The Attorney General, the Escheater General, the Common Informer, and the donors' heirs were all financially interested in enforcing this Act. It is the explanation also of the phenomenon, at first sight astounding, of the remarkable poverty of the clergy of the State Church, as compared with the wealth of the Roman Catholic. Mortmain did not apply to the Roman Catholic Church. Of this wealth all contemporary documents speak. We know already

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1) R. E.—322, 408. 2) C. I. XII—6.

to what a level Miler Magrath had reduced the See of Cashel. It was worth £ 260 a year.[1] The Roman Catholic Bishop thereof had over £ 2.000 a year.[2] Clonfert was valued at £ 54 a year.[3] We read that "great sums of money" went to the Vicars General, and that there were four Monasteries in full blast. Ferns was valued at £ 130. Dr. Roche, however, had under his sway a "great increase of clerics", who were able to send "great sums abroad".[4] The explanation of this contrast simply was that the pious donor was at liberty to give to the Roman Catholic Church, and he was warned off the Church of Ireland. How effective this was Strafford discovered on his arrival. The Abbey lands of Porto-Puro were left to the See of Clonfert by a testator. A neighbour stepped in and pleaded the statute of Mortmain, "getting for his reward six score pounds lands of inheritance by the year".[5]

The first statute enabled men to return Impropriations to the Church and to create livings out of such gifts. All clergymen whose "estates shall be made better by the means aforesaid" were made liable for the repair of their churches. The Crown was empowered to devise or lease Plantation lands to the Church. Churches which had no glebes could be endowed with forty acres by any person out of any form of property. Finally where there was a parsonage and a vicarage—and this was rather the custom than the exception—the Bishop could collate both, and turn them into one living.[6] "This is that", wrote Bramhall, "which crowns and perpetuates the work. It gives us capacity to receive the bounty of devout Christians, yet with this discreet moderation that it extends only to small glebes, to tithes, and other hereditaments, formerly ecclesiastical".[7]

It was not till this Act was passed that surrendered or compounded impropriations could be made over to the Church. The Abbey of Porto-Puro, minus, of course, the informers' fee,—was one of the first to be restored.[8] The Rectories, which the Tudor upheaval had vested in the Deputy were also handed over to the local Bishops.[9] All the impropriations in the possession of the Crown Charles surrendered. To consolidate these they were placed

1) C. S. P. 1629—482. 2) L. S. I—111. 3) C. S. P. 1629—482. 4) C. S. P. 1629—481—3; 1625—1660—257, 258. 5) L. S. I—300. 6) Acts 10, 11, Car I. Cap. 2, 3; 15. Car I. Cap. II. 7) C. I. XII—6. 8) L. S. I—302. 9) L. S. I—173.

on trust, so that no future change of Government could connive at their alienation,[1] alienations, which as Laud put it, "do nothing for the Crown, and lose all opportunity for the Church". A rent was reserved to the Crown because, as Laud said and as did happen, "pretensions of great gain to be raised upon them" might arise. Their value was £ 1.120 a year.[2] As a matter of fact, before Strafford arrived, Sir John Bathe had all but secured these for himself, and was very wrath when the King "stayed" the grant. "The clergy", he told the Council "own a third of Ireland", and it took a voluminous correspondence to assure that august body this was not quite correct.[3] Sir John Bathe, to whom the Crown was indebted, was in the end paid from other funds.[4] He was a soldier of fortune from Co. Louth, who, at one period, was an agent for the exiled Earls, and at another a State canvasser of Pale gentry, unwilling to pay contributions, save in return for concessions that he guaranteed.[5] He was also a Knight of Malta, and noted by the Secret Service as "absent in Spain". He had been a recruiting officer for the Venetian Army.[6]

A struggle arose over those impropriations possessed by the Queen, it being an ancient custom that part of the Consort's income should be a part of the tithes[7] Sir Richard Wynne, the Queen's Treasurer, strongly objected and invoked the aid of Portland. Laud refers to him as "a prowling fellow urging the Queen on", in the company of others, by no means members of the Church of England or of Ireland, all of whom "mean to share the prey among them".[8] This was one of these unfortunate affairs in which Strafford was destined to appear as opposed to the Queen, round whom there was a most curious coterie of Adullamites, ever using her as a pawn in the intrigues that she loved. Strafford drafted a report on the matter, calculated to impress the King.[9] In the end, after some correspondence, these were vested in the local rectors. Wynn however was always a thorn in the side of Strafford and Laud. It was he who tried to make the Queen interfere in Laud's cause celebre with the Puritan Dr. Williams, and he was undoubtedly one of the most active of that group called "the Queen's

1) L. S. I—382—386. 2) L. L. VII—61, 62; L. S. I—382—386. 3) U. P. 429, 432, 448, 449, 459; L. S. I—82. 4) C. S. P. 1630—584. 5) C. S. P. 1625—1660, 67—69, 101, 308—310. 6) T. C. D. E. 3. 8. p. 10; Ven. 1629—31. 7) Rhymer. Foederstet. VIII—11—50. 8) L. L. VII—106. 9) L. S. I—380.

Party", which so successfully took the edge off many of Strafford's proposals.[1]

Once the Church was free from Mortmain, and free from the certainty of alienations, the pious donor emerged from his retirement. Up to this, what man would endow a rectory, with the certainty that, at any moment, his endowment might disappear by pressure, simony, pliability, influence, or sheer intimidation? Some of these endowments consisted of gifts of impropriations, long since "passed away", others of returns of such, for some small compensation. The Corporation of Drogheda surrendered a vicarage worth £ 50 a year, and Lord Ranelagh gave up two and sold five at a cheap rate, "yet", said Bramhall, "we thank not his devotion, so much as the sun shining".[2] Besides these, however, there were the monetary gifts, and the purchases made out of savings on other accounts.

Porter and Murray, the two great projectors, possessed one of those patent letters, whereby they were empowered to take unto themselves three fourths of all concealments of "first fruits" and Royal Impropriations that they could discover.[3] The remaining fourth the King made over to Bramhall who utilised it as a "stock".[4] Another source was provided by keeping back temporarily a portion of some returned impropriation.[5] It was Bramhall's intention to utilize the embezzled lands of Cloyne for this purpose, but the Act drafted to restore this extraordinary scoop was lost in the confusion that followed Strafford's downfall.[6] A third source of Revenue for purchasing impropriations consisted of two subsidies that the clergy imposed upon themselves. Lastly there were subscriptions. These reached a considerable sum.[7] Vesey, Bramhall's biographer, says that Laud collected £ 40.000 alone for this purpose, and that "where neither reason on religion or law could prevail, he dealt in the way of purchase, raising a fund by voluntary subscriptions".[8] All these constituted that "stock", to which Bramhall makes such frequent reference, and out of which he purchased glebes, built Churches, and repaired Cathedrals, to

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1) Life of Williams. Hackett. II—137, 138; L. S. I—431; L. L. VII—159, 174, 205, 206. 2) C. I. XII—8, 52. 3) C. S. P. 1629—471; 1633—7; 1634—67. 4) L. S. I—330. 5) C. I. XII—14. 6) C. I. XII—43. 7) Life of Bramhall. Biog. Brit. I—VII. R. I. A. P. 82—7. pp. 24, 26. 8) Vesey Life of Bramhall. p, LXXX.

an extent that is astounding, when we recollect the short period in which he operated. There is not one single case of State funds being used for this purpose, if we accept the return of the Royal Impropriations, and Porter and Murray's fourth. The idea of using Plantation lands never matured. The revival of the Irish Church, its resuscitation into an influential institution, was achieved entirely by utilizing its own attenuated resources, the bulk of the Pre-Reformation possessions remaining in lay hands. The tiny overflow from Porter and Murray's grant actually provided one of the charges against Laud, on the ground that he had "endowed prelacy and Papal innovations", out of "extortions" wrung from the subjects.[1] He himself forsaw this. "I pray", he told Strafford, "of this be very careful, else some great mountain or other may be made of at".[2]

Pym says that purchases of fee-farms reached £ 30.000. Vesey says that Laud's collections in England totalled £ 40.000. Add to this the leases surrendered by men like King—for "his precedent had its influence on some of the nobility and gentry"—and we understand how it was that the revenues of the Irish Church doubled in that period, partly, as Vesey put it "by law, but most of all by purchase". It was the pious donor that restored the depreciations of the Elizabethan era, a fact which the Impropriators of later periods took very good care to suppress.

The general effect of all this activity was soon visible. In Derry, within four years, 24 Churches were built, and a state of affairs produced whereby there was only one Clergyman non-resident.[3] The Cathedral was also built and equipped with a peel of bells which Charles presented.[4] In the Archdiocese of Dublin the grave scandal of the Lord Chancellor holding the Archdeaconry came to an end. Three parishes, without clergy, which were Vice-regal impropriations were endowed and presented, and St. Andrews Church restored from its profane use as a stable.[5] The value of the See was also considerably improved.

It was a standing rule made by Laud that, save in exceptional cases, no Bishop or Dean was to hold livings in commendam. This with the revival of glebes that had been alienated and the purchase

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1) L. L. IV—176. 2) L. S. I—330. 3) C. I—XII—12. 4) S. O. I—208; L. L. VII—146; P. R.—18. 5) C. S. P. 1638—149; L. S. I—173, 131.

of others meant the appearance of clergy in parishes which never had a rector before. Some of the Cathedrals date from this period. Cloyne, Derry, Cavan, and Lismore were but before walls et praeterea nihil, shattered relics of the Elizabethan wars, when a chief on the warpath signalized his outbreak by burning a Church. The annals of the Four Masters are profuse in these military operations. Respect for fanes flourishes only in time of peace, and vanishes when we revert to the stage of the cave-dweller. Thus were "many churches built since his Government", as Pim stated during Strafford's trial, an act which that eloquent Parliamentarian actually regarded as a grave symptom of treason and "prelacy".[1]

The Stuarts have been severely criticised in English History for their church policy. Nevertheless it was they who rebuilt the Irish Church after the devastations of the Elizabethan era. James and Charles seem to have devoted far more of their energy to its protection, than to any other feature of Irish policy. Hampton and Usher were types of the Jacobean era. Bedell was one of Charles' first appointments. Bramhall and Chapell alone would have justified any ecclesiastical regime, but they were accompanied by the younger Usher, Webb, who was killed by the rebels, the younger Spottiswoode, George Leslie, who withstood Cromwell from his Palace and was the father of the famous Charles Leslie, and, perhaps the most brilliant of them all, after Usher, Henry Leslie of Down, whose sermon on the Covenant was despatched to every Court in Europe by Charles, as the final justification of his position. All these nominations were the work of either Strafford or Laud, with Charles supervising both. From the standard set at this period the Irish Church never receded. No Church, drawing from a community twice or three times its size, has ever produced in three centuries, such a steady succession of great and eminent divines and scholars, or has achieved such a record in education—though in this perhaps the Scotch Presbyterians can produce a rival—as the Church that, up till the beginning of the last century, controlled and developed Trinity College and the Irish Grammar schools, with results known to any student of history or literature. In weighing the causes that led to the revival of

1) R. P. VIII—107.

this institution no student can neglect the Vice-Royalty of Strafford.

The age however was one infected with odium theologicum. It was remarkable for something more, a popular belief that the possessions of a Church were the legitimate spoils of political success. Apart completely from the inevitable hostility of the Puritans to an institution based on liturgy and episcopacy, apart from the feelings of baffled hopes, which the enthusiastic Roman Catholic must have entertained at this sudden check to his hopes of making Ireland a Roman Catholic island, there lay that belief, always at the back of affairs of State, that a physically weak and non belligerent institution, in possession of money and land, is inimicus homini. Were the dominant elements that had been, for 200 years at least, encroaching on the Church lands, sometimes by violence and sometimes by legal subtelty, going, in five short years, to retrace their steps and accord that Church, the same rights as an heir at law or a purchaser by conveyance, at the very moment, when it had doubled its revenues, and also, at the moment, when great men and parties in England and Scotland were angrily proclaiming that clergymen were without civil rights, churches anathema to God and man, and Church lands in the same category as felons' goods? In all the petitions that poured in on Strafford's downfall we become aware of this underlying motive, as if all men were agreed that the pious donor had outraged nature. Here is Pym "True it is many churches have been built in his Government, but I hear nothing of spiritual edification. They that strive not to build up Churches in a spiritual way, let them build all the churches they can, they will do no good. God is not worshipped with walls, but he is worshipped with hearts".[1] Truisms of this nature struck a cheerful note in the hearts of the Long Parliament. When Strafford retorted with his list of divines, and his curates saved from starvation, they resurrected "that groom" poor Gwynn, and went on their way rejoicing.[2] Here is the Irish House of Commons "Grievance 3. Proceedings in civil causes at the Council Board, contrary to the Law and Great Charter, not limited to any certain time or season" with disastrous results to great Impropriators who "held juries in awe".[3]

1) R. P. VIII—107. 2) R. P. VIII—128. 3) R. P. VIII—12.

Leslie attributed the storm in Ulster to a desire "to prey upon the Bishoprics as their fathers did upon the Abbeys".[1] Here is the petition of "all Ulster". "For many years we were a flourishing people. By the cruel tyranny of the clergy we are now become an astonishment to angels, for we are bereaved of our estates, and most of our families are utterly beggared."[2] Another petition related that "our estates are undone and our families impoverished", and demanded "reparation of these unutterable damages". It was presented by Sir John Clotworthy, the leader of belligerent Northern Puritanism. It haled the Long Parliament as "true sons of Israel" and lamented "the increase of friars and convents".[3] Bramhall says he only recognised one name among the signatories and it was that of a Roman Catholic.[4] The agrarian question always makes strange bed-fellows.

Strafford went to the block. Bramhall was impeached and, in the end, released, with the impeachment hanging over his head. Episcopacy fell. To be a supporter of the Establishment was as dangerous as to be a "suspect" in the French Revolution. The Irish House of Commons, it should be remembered, even if it had not the right of trial, had the right of arrest, and no Judge or Minister could interfere. This it exercised to the hilt. All parties then turned to consider the lands and endowments of the Church, petitions flocking in to both Parliaments. Even disgruntled clergymen joined in the pursuit. Bramhall had retained as "stock" a portion of an endowment he had purchased. Dr. Coote, the Dean of Down, who had always regarded this as a grievance, joined the hungry horde.[5]

The agitation had begun over a branch of the tithes, viz. those on fish, potatoes &c. which were the weakest spot in the armoury of the Church. These the clergy had offered to forego, if they could only get exemption from certain dues they had to pay themselves. These tithes were a relic of the Pre-Reformation times. Strafford had gone very carefully into the whole question, had drawn up a scheme of compensation for the clergy, and there was a Bill for the abolition of these tithes actually on the agenda

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1) R. I. A. P. VI—10. p. 32. 2) C. S. P. 1625—1660—249. 3) P. R.—82; R. I. A. P. "Jet Black Prelatical Calumny." 4) Vesey. Life of Bramhall p. XCI. 5) P. R.—35, 36.

paper of the House when the furore arose.[1] It was the intention of the authorities also to abolish them, as had been always done, wherever Plantations were effected.[2] The House threatened to arrest any clergyman collecting these "barbarous customs", and, in several cases, carried out the threat. In the meanwhile it regarded with equanimity a similar collection by the priesthood, and turned a blind eye to the far severer exactions of the farmers and lay impropriators, as did the English revolutionaries all during the reign of the Long Parliament.[3] Strafford's Bill, which involved the principle of compensation, in the meanwhile perished. The complaint of the House of Commons actually contains the fees imposed on Roman Catholics for marriages, christenings and burials, which Strafford had wiped out five years before.[4] Usher, however, was in London, and he had enough influence with the King to prevent the instant abolition of "the barbarous customs".[5] In some parts of the Kingdom they were the sole maintenance of "poor vicars and parish clerks". Charles agreed to consider a Bill based on a compromise, but if such was ever propounded it perished in the upheaval.[6] Strafford's mooted reform—this was a real grievance on the "meaner sort"—was thus balked by the identical forces, which made the grievance their stalking horse for other more "particular aims".

This question of "the barbarous customs" was the first raised. It was the great grievance with which the opposition dressed their political windows in the skirmishings during Strafford's absence in England. Matters having gone well under its aegis, the other demands were propounded. The list of concessions wrung from the King after Strafford's downfall reveal in its nakedness the driving force of the Revolutionary Party, which subsequently quarrelling over the spoils, divided into a dozen belligerent factions, each with armed forces. All the decisions given by the Council Board were made liable to suits for repeal at Common Law. This only applied to decisions affecting Church Lands. All further suits at the Council Board were barred. Fining of jurors for perjury, or fining of persons for intimidating or bribing jurors was forbidden, unless by ordinary civil process. A Statute of

1) C. S. P. 1641—254. 2) C. S. P. 1625—1660—129. 3) C. S. P. 1625. 1660—255. 4) C. S. P. 1641—272; L. S. I—293. 5) P. R.—83. 6) C. S. P 1625—1660—319.

Limitations in regard to titles of 60 years standing was one of the great concessions obtained. In the case of Church Lands it was fixed at forty years. Finally no clergyman could be a magistrate, or be employed in any civil capacity.[1]

None of these concessions came into operation. The rebellion brought all Government to the ground with a crash. They serve however to reveal one, at least, of the elements, that assisted in the fall of Strafford, as the Committee that wrung these concessions was the Committee that directed his prosecution. In that prosecution all the great impropriators appeared. Cork, Ranelagh, Loftus and Clotworthy gave evidence against him. Clanricarde and Montgomery were active in the preliminary skirmishes. Sir Donough McCarthy, a greater misuser of advowsons in Cork even than the Earl thereof, and Sir Roebuck Lynch, who held the greater part of the See of Elphin, were the leading lights, on that Committee. Nay, even if we go back further, we find that the initial steps that subsequently led to the crash were guided by one, whose hostility had been aroused over this question. The revolt of the Irish Parliament began with a movement to withdraw the Royal subsidies, to cut off the voted supplies, at the moment that the Scotch were about to invade England. In March 16, 1640, three months before this storm burst, Cork was sounding Ormond on the advisibility of altering the basis of the subsidy valuation, "so as we may now be proportionately rated, according to former and accustomed taxation in Parliaments of the nobility of England." Ormonde met him with a cold refusal.[2]

The rebellion soon swept over Ireland. Everything went into chaos. All the Bishops fled, save two who died in the hands of the rebels, one who was imprisoned by Cromwell, and one who garrisoned his Palace, and stoutly defied all and sundry, capitulating in the end to the Protector. Bulkeley alone remained in peace, and died calmly in Dublin, where Ormonde ruled. All the rest lost all their goods, and houses, and were lucky to escape with their lives. Of the minor clergy many were killed, a few in quieter districts survived, but the majority either fled to England, or took refuge in the towns. Armagh Cathedral was burnt to the ground again. Kilkenny was left in ruins.[3] In fact a fero-

1) C. S. P. 1641—317—322. 2) C. C. P. B. VIII—121, 141. 3) Temple, History of the Rebellion. pp. 99—102.

city towards Churches was one of the peculiarities of the rebellion.[1] On the Restoration the clergy reported that the "Churches and rectories are almost all down".[2] One of the Bishops states that between Carlingford and Kilkenny "there is scarcely one church repaired for seven that are ruined, and most of them without roofs, without doors, without windows, holes to receive the congregation. Of a hundred Churches our forefathers built in Ossory there are not 20 standing, not 10 repaired".[3] In Derry where Bramhall had built so many new Churches and repaired so many old, after these wars and plunderings were over, the Bishop relates that they "were generally ruinous, and, save in the City, not one that was in repair".[4] "If", said Dean Swifte, "a stranger should travel in England, and observe the Churches he would conclude some vast army of Turks had come that way. In Ireland these ravages were not so easily seen. The people, being too poor to raise such noble temples, the mean ones we had were not defaced. They were destroyed."

It speaks volumes for Strafford's perspicacity that he never attributed his prosecution and the revolution to any other cause but the general desire to confiscate the lands of the Church. Pym's speeches on Liberty, and the fiery resolutions against "prelacy" he regarded as but the hypocrisies of popular politics, where men say one thing, when they are aiming at something else. His last instructions to his son ran as follows.

"I foresee that ruin is like to come upon the revenues of the Church, and that perhaps they will be shared amongst the nobility and gentry, but I charge you never to meddle with any of it, for the curse of God will follow all them that meddle with such a thing, that tends to the destruction of the most Apostolical Church upon Earth."[5]

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1) Gil. I—550. 2) P. R.—115. 3) The Diocese of Ossory. Williams 1680. pp. 2, 6. 4) Mant. Church of Ireland—667. 5) R. P. VIII—763.

Chapter IV

THE SPREAD OF CULTURE

Modern letters owe more than they are always willing to own to ancient manners. BURKE.

The religious question pure and simple is baffling to a meticulous student. Down to the middle, at any rate of Queen Elizabeth's reign it is undeniable but that in the towns and the Pale the mass of the inhabitants went to the Church of their fathers. Lombard, the Roman Catholic Primate, Sir John Dowdall, and the Protestant leaders in their Manifesto of 1641 are emphatic on this point.[1] The hinterland we may regard as indifferent on these matters. Yet, in 1590, the secession had begun. In Leinster and in Meath, Loftus reported that "there be very few that be other than Recusants".[2] Magrath in the same year said that the majority of the burgesses, professional men, gentry and Lords had become recusants.[3] In 1615 the majority of the lay members of the House of Lords were Recusants. So too were the overwhelming majority of the members for the rural districts, and all the members for the older cities. The Protestants in 1641 said that "recusancy became general by the middle of James reign". Davies however had noted that the little towns and "the poor country gentry" were otherwise inclinaded. In Strafford's first Parliament too the Recusants were about half the House of Commons. Yet the Counter Reformation was not so powerful as appears on the surface. It is very doubtful if all the Peers who were assumed to be Recusants in Chichesters' first Parliament were so. Only a few openly sided with what is loosely called the Recusancy Party. At the close of the Strafford regime it is patent

1) C. R I—391; C. S. P. 1595—485. C. A. H. appendix V—17. 2) C. S. P. 1590—338. 3) C. S. P. 1590—495.

that the majority of the native Peerage had definitely sided with the Reformation. The following great names emerge hostile to the Counter-Reformation. Ormonde, Thomond, Inchiquin, Mayo, Barrymore, Meath, Dillon of Costelloe, Dillon of Roscommon, Burgh, Lixnawe, Desmond and Kildare. Others like Iveagh are hard to determine, as sometimes they appear as Roman Catholic, and, at other times, supporting the Established Church. By the reign of Charles II. the religious revolution is apparent. The Roman Catholic peerage was only one-third of the whole. There were only a few Roman Catholics in the House of Commons. The complaint made by Protestantism against the Earl of Essex in the reign of Charles II. was that his remodelling of the city Charters threw the Corporations open to Roman Catholics. This shows that the burgess families were Protestants. Strafford used to complain that they were so militantly Roman Catholic that Protestant traders were subject to constant pinpricks. In the upheaval at the end of the reign of James II. it is as plain as a pikestaff, that the greater part of wealth and social position was Protestant. James II. had to pack a Parliament by drastic methods to keep the Lords, gentry, and burgesses outside. Four counties and 29 boroughs were simply denied writs. From the others a Roman Catholic majority was procured by a mixture of military law, and not even residential sheriffs. Three quarters of the Peerage refused to attend. From the Bill of Attainder passed by this House we can deduce the strength of Protestantism. It comprised 64 peers, 34 baronets, 54 knights, and 2,182 esquires. From this prescription, probably the most sweeping since the days of Sulla, we can make a very good estimate of the change that had come over the Irish Upper and Middle classes since the accession of James I.

What caused this change? Thinking and labour can be saved by ascribing it to confiscations. Much ink has been wasted on a story that the Roman Catholic natives were driven out of their estates, and English Protestant settlers took their places. This theory cannot apply to the cities, in which, at no time, was there ever a religious test imposed on an alderman or a guildsman by the Stuarts or by Cromwell. Stuart Plantations only affected land, and Cromwell's small deportation touched no householder or guildsman. Either the burgess families had deserted the Roman

Catholic party, or a lower and Protestant substratum had slowly risen up and taken their places. Secondly the names associated with Protestantism all during the seventeenth century are the great names of the fifteenth and fourteenth, before the Reformation was ever mentioned. They are the names of those who "flew out" under the Tudors, were undoubtedly Recusant at the close of the Elizabethan era, and were militantly and triumphantly Protestant during the later Stuart epoch.

The Plantations had little or nothing to do with expropriating natives or warring on Roman Catholics. That of Ulster was applauded by both Houses of Parliament, full of native Roman Catholic gentry, and the measures requisite for its legalization were supported by the priests.[1] The incoming Planters were personae gratae with the natives and the priests. Lord Castlehaven, a strong Roman Catholic had 300 native gentry as his larger tenants. The Hamiltons appear in letters to Rome as the great protectors of native Roman Catholic Bishops. The Plantation of Derry made that county as Roman Catholic as Tipperary. Donegal is the only Plantation country noticeably Protestant. The explanation is simple. The chief of the O'Donnel's and the chief of the McSwineys were Protestants. The only case of immigration to any large extent is in South Antrim and Down, where the Scotch arrived as purchasers and leaseholders, and the Eastern Riding of Cork, where the Earl planted a large number of Englishmen. In North Antrim and Down nevertheless there were left large native proprietors. The largest landowner was McDonnell of Antrim, a native Roman Catholic Peer, and running him very close was Magennis of Iveagh, whose religion is doubtful. The Scotch chiefly settled on the lands of Sir Henry O'Neill, and Arthur Savage, both Protestant chieftains, who were not averse to Scotch tenants. In East Cork also there is no trace of the displacement of the local Barrys, Goughs, and Condons, who, if anything, rose in social status with the pacification of the realm.

The Cromwellian Plantations constitute the second explanation of this religious revolution. No man under Cromwell ever lost an acre of land under Cromwell because he was a native or a Roman Catholic. Everyone, however, with land, who resisted

1) C. A. H. James I. p. 27; C. S. P. 1614—522.

the Parliamentary forces did suffer according to the degree of his resistance, and Ormonde, Inchiquin, and Roscommon, all Protestants and their followers were no exception to this. If it affected the Roman Catholic Squirearchy, as it undoubtedly did, it should have annihilated the Protestant Squirearchy in three Provinces. In neither case did it affect the very large number who tooh no part in the wars. This theory depends on the disappearance of the native names and the rise to power of the Cromwellians. Very few Cromwelliam planters appear in the Irish House of Commons, and none in the Irish House of Lords. This confiscation therefore cannot explain the change. Out of a total male population of 500.001, only 86,107 were English and Scotch in 1659, and these, we may be sure, included the sons of the Jacobean Planters. Of these 40.000 were in Ulster where Cromwell confiscated least, and but 14.000 in Munster where he confiscated most, by escheats of the vast estates of Ormonde, Inchiquin, and Thomonde, who were Protestants.[1] All this Cromwellian theory however is vitiated by one fact. On the Restoration a very large number of these escheats were restored to the original owners by the Acts of Settlement and Explanation. Cromwell's confiscations would accordingly account for the appearance of a large number of minor Protestants, but certainly not for the destruction of a Roman Catholic aristocracy. Losses there were, of course, but all the great Irish houses suffered far worse before and since, and throve and waxed truculent on the experience. It took far more than that to destroy in toto the O'Briens of Inchiquin, or the Le Poers of Waterford or the Plunkets of Fingall. This theory of destruction proceeds from anaemic historians, who assume that all men are as easily cowed as themselves. The whole theory vanishes into thin air when we find—after making allowances for a very few new creations—that the Protestant peerage of the Restoration were but the legitimate heirs of the great houses of Elizabeth and James, that more than half the House of Commons were the sons and grandsons of the Tudor and Jacobean Squirearchy, and that the old recusant names appear as Protestants in the Municipal pomp of the Municipal rolls, with, of course, fresh visitants, English Settlers, or new classes risen up, in the course

1) Transaction of the Royal Irish Academy. IV—325—326.

of time, from the vasty deep of the Irish body politic, both, of course, destined in time to become rural proprietors, after the eternal custom in Ireland. Lastly, before Cromwell appeared, militant Protestantism was striding across three Provinces warring ferociously against Owen Roe O'Neill and the Catholic Confederation. Even in Ulster Munro drew on no small number of O'Dohertys and O'Cahans. In Donegal Dr. Leslie triumphantly held a little hegemony intact, and capitulated only when Cromwell arrived. Ormond's forces undoubtedly relied on a large body of Protestant support. Inchiquin, Waller, and Broghill, all of whom were as aggresively Protestant as Cromwell's iron sides, held up and drove back the Catholic Confederation of Recusant Peers and Roman Catholic Bishops in an area, where, according to the census already quoted, after the Cromwellian Plantation, there were only 14.000 English as against 139.149 Irish. No doubt men followed Inchiquin because he was Inchiquin. No doubt many a Roman Catholic objected strongly to the Confederation, and found in Waller and Broghill men and aims more after his own heart. Even, however, after making allowances for cross-voting in the religious and social turmoil, we must arrive at only one conclusion, and that is that all over Ireland there was a native gentry class hostile to the tide of the Counter-Reformation and capable of bringing into the field bodies of armed and angry men. In Burke's Landed Gentry one can find them. In the Jacobean State Papers they never appear. There one finds only the great Recusant Peer and the Recusant politicans of the period, always asserting that they represented all Ireland. Davies however, asserted that they did not. This class of minor gentry was growing in strength all during the era of peace, and, when the crash came, it appeared fully armed.

Another reason commonly advanced for the re-action from the Counter-Reformation was the rise of the Court of Wards, whereby the heirs of the great Houses were brought up in the doctrines of the Church of Ireland. This is partially true, but not to the extent that is usually assumed. The Court of Wards was one of those institutions that were sadly needed at that time. If the heir to a property was a minor, it was very doubtful if he would receive that property on coming of age. All the legal machinery that we now have for the protection of minors was unknown.

Boys whose estates were tributary to some "Great One", or were held on in capite tenures from him were de defacto outlaws. They had no protection in law against him or against the guardians the father had appointed. No small part of the hostility to this Court came from those who plundered the fatherless. If it had not been there, the estates of minors would be "ruined by their kinsmen and friends, and their dependance upon their Lords would be continued".[1]

The Court, however, was unpopular for another reason. It was a branch of the Inland Revenue. The income of the estate during a minority went to the King. On the death of the owner, and again on the accession of the heir, and again in case of a sale certain dues were levied. In this era the squirearchy of England were rising to destroy this code of taxation. The Irish Squires were quite as hostile. Accordingly, in the documents, of the period, we find a constant attack in process on this institution, the religious reason, in which there was some truth, dwarfing and obscuring the great demand of landed property to shift the onus of taxation on to industry. During the latter days of James, the great cry of "the oppressed subject" was that he had to take the oath of Supremacy on "sueing a livery". At the beginning of the reign of Charles this Oath was abolished by an Act of State. Strafford saw in this "Grace" a loss to the Revenue of about £ 4.000 a year. If the King had insisted on that Oath—hithertoo taken with calmness as by law established—he would be that amount to the good.[2] Strafford accordingly induced Parliament to pass the Statute of Wills and Uses. By that Act it was impossible to evade the duties of the Court by secret feoffments to trustees. One can accordingly note how Strafford shrank from increasing the King's revenue by insisting on a law which the religious question made odious, and repaired the ensueing loss to the King's estate by another method. Those who tried to evade taxation by raising religious war cries, always found in this Deputy a most subtle opponent.[3] As a result the revenue of the Court which was £ 6.000 in 1625 became £ 12.000 in 1640.[4]

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1) C. A. H. appendix XXIII—87; Egmont M. S. S. I—225. 2) T. C. D. F. 3. 16. 3) L. S. I—192, 317, 318, 378; II—18. 4) C. S. P. 1625—57, 1625—1660—284.

The other side of the matter deals purely with the Wards. Those wards retained by the Court were educated at a school in Dublin, and then sent to Trinity College. They were thus reared as Protestants, it being, at this period, a standing rule that an overlord educated the wards of his tenants as he pleased.[1]

How far then, did this affect the Irish Upper classes? The small revenue from the Court of Wards, when the revenue included four or five other duties as well as wardship, shows that not many wards came into the King's hands. The explanation of this is simple. Nearly all Connaught was held in soccage, which excluded the owners from the duty of wardship.[2] The enormous number of freeholds, held from some old in capite grant, should have actually provided four times as many wards as England. The slack administration of the agrarian department, and the lavish doles of Jacobean patents on easy tenures had reduced the in capite tenures to only a small number.[3] If we regard the in capite tenures as but few, the number of minors arising from them as but a fraction of the whole, and recollect that the Court of Wards did not really begin to operate till 1615, was not efficient till 1633, and perished in 1641, we can scarcely regard it as a serious factor in the play and counterplay of rival religious creeds. What was more, a large number of heirs were given direct to their relatives for a composition.[4] Very many were "begged" by their relatives.[5] We frequently find cases of heirs granted to Roman Catholics. Randall McDonald was under Lord Abercorn, Wm. O'Carroll under Lord Butler, and Connor O'Dwyre of Cloyne was entrusted by the Court to his uncle, who was the Parish Priest.[6] Lord Iveagh also was entrusted to the Earl of Antrim.[7] The system undoubtedly affected a few cases, but very few.

Where the system of tenures and wardship, however, favoured the course of the Reformation was in "breaking the dependance on the Great Lords". If the Court declared the tenure was in capite it meant that the estate was freehold, "held from the King". It meant that the Lord had no control over the owner, nor, on the owner's death, over his heir. Up to about 1630 the majority of the great landowners were opposed to the Established Church.

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1) C. S. P. 1618—189; 1622—391; Egmont M. S. S. I—225, 226. 2) C. S. P. 1617—386. 3) T. C. D. F. 3. 16. 4) C. S. P. 1615—29. 5) C. A. H. appendix. XXIII. 6) C. S. P. 1613—321, 386; Egmont M. S. S. I—95. 7) L. L. VII—528, 562.

Tenants, who were their tributaries, adopted the same view. The reign of Charles marks not only an alteration in the views of the greater aristocracy, as the Reformation doctrines slowly spread through Ireland, but the rise to personal independence of the Squires, who were no longer under the control of the Recusant Lord and his Pale chaplain. The few cases that do emerge of the Court affecting the religion of a Ward reveale not so much the conversion of a Roman Catholic to Protestantism, as the prevention of a Protestant heir being controlled by those relatives, who had become Roman Catholics. In the case of the young Protestant Fleetwood, the Court stepped in to save him and his estate from a recusant uncle, who had made an improper lease of the minor's estate, and, in the case of the Casey minor, whose Father was a Protestant, the Court again stepped in to take him from a Roman Catholic guardian.[1] A case on the other side is that of the Earl of Ormonde, whose grandfather was a Protestant, whose father was a Roman Catholic, and who was educated as a Protestant.

These wardships, however, are very few and far between. Where wardships did "fall in to the King", the energies of the Court were directed far more towards raising revenue, and protecting the estate than to this question. The short existence of the Court, the small revenue it yielded, the small number of in capite tenures, and also of minors who succeded, as minors, make it a negligeable quantity in assessing the causes of the Reformation at this period.

The third explanation is simply the swing of the Religious pendulum. The initial stages of the Reformation were taken with one wild swoop when the Act of Supremacy and the Confiscation of the Monasteries were enacted. The Counter-Reformation then swept over Ireland as it swept over the rest of Europe. The Irish Church disappeared in the reign of Elizabeth. It was smothered by the State, which was in terror lest its army might disband if the religious question were but muttered. The friars entered into the Pale and the cities, and operated in areas where there was neither a parson nor a Church. When peace came the Roman Catholic priests and friars were the only religious organization in the country. The few documents we possess show that they were

1) Egmont M. S. S. I—69, 73, 99.

not, at this period, the unlovely belligerents their panegyrists of a later generation assumed them to be. They were frequently men of a high social rank. Their ranks contained an abnormal number of scholars for a force that barely exceeded a thousand men. They seem to have been personae gratae with the majority of the gentry, who, be it noted, were nearly all loyal and law-abiding subjects. Their own attitude towards the savage squalor of politics is best described by the Resolution passed at their Synod in 1614. "All priests must avoid carefully, both in public and private, the discussion of state affairs and temporal government and strive not to render themselves in any way obnoxious to their civil rulers, except in the necessary discharge of their obligation to God and the people, performing their spiritual duties only—"Giving unto Caesar the things that are Caesar's and unto God the things that are God's." Priests cannot accept the office of stewart, tutor or agent to any nobleman, or otherwise engage in commercial pursuits". [1] Save in a few parishes and an occasional diocese this force was the only organized religious fraternity in Ireland at the close of the Elizabethan upheaval. From its activities sprung the situation wherein the majority of the upper classes were undoubtedly Recusant.

The situation then changes. The growth of Trinity College and easier communication with England meant that the educated classes deserted the Continental Universities and went either to Dublin, Oxford, or Cambridge. Here is a letter of Camden's which gives a glimpse of the effect of this change. "At Oxford I brought to Church divers gentlemen of Ireland as Walshes, Nugents, O'Reilly, Shees, the eldest son of the Archbishop of Cashel, and Peter Lombard, a merchant's son of Waterford." [2] The decay of the practice of resorting to the Continental Universities, a practice which had undoubtedly contributed largely to the Counter-Reformation, was one of the first causes of another swing of the pendulum. These Universities were falling into ill odour. Salamanca had issued a pastoral laying it down as fit and proper for pious men to go into rebellion. [3] This opinion was scouted says O'Sullivan by "many priests and friars of the English faction". [4] In doing this they were but anticipating the Declaration of the

1) C. R. I—428, 429. 2) U. P.—65. 3) U. P.—31. 4) Cat.—55.

Archbishops and Bishops of the Roman Catholic Church in Ireland in 1826 in which they "renounced, rejected, and abjured the opinion that Princes, excommunicated by the Pope, may be deposed and murdered by their subjects".[1] In 1614 James straightly charged the Recusant gentry "that none of your youth be educated at Douai" for there they taught "that it is lawful to deprive me of my throne".[2] In that identical year that University was wracked with dissensions, as a small party of what the State Papers called "the ill-disposed subjects", would have no truck with those Irish students favourable to the political status quo. They demanded that the Rector, Christopher Cusack of Meath be dismissed, and that the College be divided into two, one part being reserved solely for them and their political views. The Internuncio objected on the score of the expense of such a reform, and the fact that the belligerent revolutionaries were "non sono di consideratione alcuna", creating an uproar "mosse per fini privati che per publica utilita".[3]

This tendency was bound to affect the Irish aristocracy, who, though mutinous, uproarious, and contemptuous of Deputies, judges and sheriffs were Royalists to a man, regarding such notions as vulgarity and blasphemy. The foreign education decays. In 1628 Falkland issued a Proclamation definitely forbidding the practice in the case of men of quality.[4] Strafford renewed this Proclamation, for other reasons as well, and rigidly enforced it. It was not regarded as a grievance. In the attack made on his administration by the House of Lords there is no mention of this. It is therefore obvious that the idea of educating the sons of the gentry in foreign Universities had definitely expired.[5]

The swing of the pendulum was accentuated further by the rise into eminence of Trinity College. In the reign of James it was a small institution of very little account. The average number of students per annum up to 1600 was but twenty.[6] Up to 1619 the graduates barely exceeded a hundred.[7] War conditions were no doubt responsible for this, but also it was a casual body, really founded out of voluntary subscriptions. The original site of

1) Killen. Ecclesiastical History of Ireland. II—563. 2) C. S. P. 1614—547. 3) A. H. IV—286. 4) R. P. VIII—473—474. 5) C. S. P. 1641—261, 264. 6) The Particular Book T. C. D.; Mahaffy. p. VII. 7) History of the University.

38 acres came from the Corporation.[1] A "Whip" among the rural gentry formed its foundation funds. Of the three Corporations who subscribed, Galway was first with £ 100, then Drogheda with £ 47, the third donation of £ 27 coming from Dublin. Munster and Connaught, each subscribed £ 100, Maguinness £ 30, Tirlough O'Neill £ 100, and £ 59 came from "the gentlemen of Lecale". The remainder of the total of £ 2.000 was provided by great State personages, while the nucleus of the Library came from £ 700 contributed by the Irish Army.[2] The Crown Grants were small. On the Plantation of Munster certain applotments in Kerry were reserved for the College, which, in 1623, brought in £ 700 a year. Two Crown pensions added another £ 380. These ceased in the reign of James II. In the reign of James I., however, the foundations of its fortunes were laid by a grant of land in the wilds of Ulster. This doubled the College income, which in 1623 totalled £ 1072.[3]

These lands, however, were, for a time, of little worth. Ulster was very thinly populated, and tenants were scarce. The Board first sublet them to Lord Claneboye, who wrote that they "would certainly do well, but they will drown for the present the man that undertakes". He offered, in the end, to take them on one of the very long leases, which, at all times, are the destruction of public institutions, and the Board were on the verge of signing the lease, when the Junior Fellows appealed to the Council, who intervened.[4] Claneboye then refused to touch the matter at all, and the College had to look for another agent for their wastes. This time they employed Sir James O'Carroll, the famous speculator of the period.[5] He, however, broke his lease, defaulted, and gave Provost Bedell many an anxious moment.[6]

As can be seen the wealth of the University was small. It was not till what Laud used to call "the pious donor" came upon the scene that it was in a position to fulfill its functions. As it was its income from all sources, was only half that of the Roman Catholic Bishop of Cashell, twice that which Lord Wilmot drew from the embezzled lands of Athlone, and certainly far less than

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1) D. C. II—240. 2) History of T. C. D. Stubbs. p. 170; The Book of T. C. D.; Mahaffy. pp. 7, 8. History of T. C. D.; Heron. pp. 22—29. 3) Particular Book of T. C. D. p. VIII. The Book of T. C. D. p. 6. 4) Book of T. C. D.; Mahaffy. p. 19. 5) Two Centuries of life in County Down. Stephenson. pp. 56, 59. 6) U. P.—402, 403.

the illegal exactions of the Dublin aldermen.[1] Its financial growth was rather due to careful management of an estate that was small compared with that of men like Lord Maguire, and also due to voluntary aid.

Its first forty years were spent in chaos and confusion. Nevertheless despite these undoubted defects, despite the very small number on which it drew, it produced a series of singularly remarkable men. Ware, the famous Archaelogist was one of the Jacobean graduates. The first Irish Maecenas to emerge after the wars, came from this little institution, in the shape of Fergus O'Gara, the patron of the Four Masters. He sat in Strafford's first Parliament for County Sligo. It produced one of the few Syriac Scholars in the three Kingdoms in the shape of Ambrose Usher, who had, before the Authorized Version appeared, written a version of his own of the four Gospels. Donnellan, subsequently Archbishop of Tuam, edited an Irish translation of the old Testament, which his predecessor had begun. Dudley Loftus was one of the great Scholars of the period. Leslie, the Bishop of Down was, after Laud, undoubtedly the ablest of what are called "the Carol an divines". Clarendon says that "the noble Lord Falkland" of English history "learnt there all those exercises and languages better than most men do in more celebrated places".[2] Last and greatest of them all was Usher, who dominated Western theology and scholarship to an extent that it is almost impossible to realize in these days, when we are so learned that we do not recognize intellectual giants. For a school—for that is all it was at the period—of but twenty or thirty pupils, at any rate till 1620, to have achieved this output in such an age, argues either a high academic level, or a remarkable fortune in having procured such pupils on which to try its maiden hand.

This was the institution that partly effected this silent transformation of the religious views of the Irish Squirearchy, though to a certain extent, Oxford and Cambridge had also same influence. At this time, however, despite its undoubted improvement during the reign of James, it was a rather disorderly and chaotic establishment in many ways. Bedell says that there were no accounts kept at all, that payments were simply made out of a box and no pay-

1) L. S. II—8, 111. 2) Clarendon. Memoirs. I—38.

ments made if there was nothing in the box, that the Statutes and Rules consisted of a collection of loose leaves, part printed and part in writing, frequently altered by a Board that had full legislative powers, that discipline was very weak, that on his arrival he was greeted by a disappointed rival, who defied him and told him he had no right to be there, waxing very contumacious, and finally that he was denounced coram public before all the undergraduates by the Professor of Divinity on the grounds that he was an unorthodox divine.[1]

Part of the cause of this was the undoubtedly Puritan complexion of the University. Travers, the first Provost, had been deemed too unorthodox for England, and had taken refuge in what Roche used to call "the land of licence and liberty". One of the first of the Fellows was James Hamilton, subsequently Lord Claneboye, "a great bringer-in of Scotch Ministers". He was succeeded by Alvey, another Divine who had been silenced in England. Usher, who was its Professor of Divinity, undoubtedly lent in this direction during his earlier years. Reid asserts that "the first four Provosts were decided Puritans" and adds that Bedell's successor was of the same complexion.[2] This was Dr. Robert Usher, who had been nominated by the Fellows, and before whom the King had preferred Bedell.[3] They had originally nominated one Dr. Robert Sibbs.[4] He is described in a confidential letter as one inimical to "Popery and Arminianism", and the recipient is urged "not to wait till the Provost dies" or else "someone may be put in, full of pricks and thorns towards us", but to approach the King "at such a time and in such a place as no Bishop is by, that he may not have much time to consider it".[5] The name of the Professor who denounced Bedell for suggesting that a man could be a Roman Catholic and a Christian was Dr. Joseph Hoyle, subsequently one of the Westminister Divines that abolished Episcopacy. Bedell's biographer describes him as "a man of piety but over-hot, a hot and zealous man".[6]

Puritanism had many great virtues, but it required a man of great learning and character to use it as guide for things mundane. It was the cult of all the intellectuals of this period. It was based

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1) B. J. 28, 29, 253—256. 2) H. P. C. I—167. 3) C. S. P. 1626—218.
4) C. S. P. 1626—201. 5) C. S. P. 1625—1660—83. 6) B. J.—28, 29.

on the negation of all authority. In the hands of ordinary men it was egoism run mad, and everyone who desired to attack anything in the status quo simply denounced its upholders for not holding some meticulous point of theology which was of his own invention. James one time said this cult required a note book to enable one to remember all the jots and tittles. Leslie said that "he was regarded best who could find most faults". Its undoubted popularity he ascribed to the fact that "it is a plausible matter with the people to hear them depraved that are in authority", and to see men "crying out against this sin and that sin, not in them, the hearers, but in their superiors".[1] Cromwell was more caustic. "Yea. They always cry for Liberty. Give it to them and they will yield it to no one else."

At this period intellectualism of a revolutionary character always adopted this method of assailing whatever existed, because it existed. When however the authorities, as in Trinity College were dignified divines and possible Bishops, their cloth and their prelatical leanings laid them undeniably open to the assaults of those who held, not only that all men were equal, but that Bishops, Deans, Chapters and their maintainers were, by some double dose of original sin, excluded from this common equality, and were "lesser breeds without the law". Accordingly the Provost and the Senior fellows has as much authority over, and respect from their Juniors as a Board of Peers and Prelates would elicit to-day from a Welsh College or a Scotch Trade Union. What added to this uproarious tendency was that, by Statute, no Fellow could be over 30 years of age, with the result that the staff of the University was always kept at that tender age, which is prone to what Julius Caesar calls "studium novarum rerum". The outstanding leaders of the Party of Revolt were the inevitable English Radical, Joseph Hoyle, and another "very hot" Irish Clergyman, Dr. Martin, who brought into the academic circles, all the bellicoseness of the Galway Tribes.

Added to this there was another complication, indigenous to the soil, "arising from a national antipathy. The society consisted partly of British and partly of Irish. It thus came to pass there were contradictions and bandyings, one side against another in all

1) R. I. A. P. VI—10—16, 21.

their meetings and consultations, whereby business of public concernment was hindered".[1] Bedell did what he could in this atmosphere, but at last resigned. "The arts of dutiful obedience and just ruling I did for 17 years endeavour to learn. The cunning tricks of packing, siding, bandying and skirmishing, I confess myself ignorant in, and am now too old to be taught."[2] He was succeeded by Dr. Robert Usher, whom Strafford calls "a weak Provost", a character also accorded by his more destinguished kinsman the Primate.[3]

Strafford determined to vest the whole Government of the College in as few hands as possible, to remodell all the Statutes of this casual democracy, and to make the King and the King alone the nominator of the Provost, as in practice he was, though in theory the Fellows were the first proposers. Usher he induced to accept an Archdeaconry. Subsequently he became a Bishop. In what Laud used to call his "Masterful way" he strode down to the University, and "roundly" told them that either they must sent forward the name of Chappell to the King, "or else stay until they understood the King's pleasure, and in no case to choose any other."[4] As the King had the right of Veto and "the prerogative ran high" under Strafford, they agreed. The new Provost was Chappell, one of Laud's strong men, with an intense aversion to the Puritan propaganda, and its habit of raising obscure theological points on all mundane matters. He was once Milton's Tutor and was now rusticating as Archdeacon of Cashel, having refused the Provostship before Bedell was appointed.[5] To his appointment the Fellows agreed. By an exercise of the dispensing Power Strafford enabled him to be nominated without taking the oath to preserve the Charter and Statutes against all reforms. Usher who saw what was coming, and had a strong objection to Chappell's well-known views demurred, but, in the end, gave way.[6] Strafford then gave the Fellows the choice of a new Charter, or an Act of Parliament to alter the constitution, but to this they seem to have made no reply. The dispensing power again came into play. Laud got from the King a letter empowering him to alter all the Statutes, a task Bedell had tried in vain, being balked at every step by the

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1) B. J.—28. 2) U. P.—392. 3) L. L. VI—356. 4) L. S. I—299. 5) L. S. I—213. 6) L. S. I—381.

Fellows.[1] Laud's suggestion were submitted first to Usher, who seems to have made no objection.[2] Certain of these alterations, however, ran counter to the existing Charter. Laud, who knew well the hostility there was to many of the changes, urged Strafford to bring pressure to bear on the Fellows to resign the Charter, "as there will be practice to defeat the new statutes by keeping on foot the old Charter".[3] It was just at this stage that a melee broke out in the University, which looks very much as if it was an organized effort to bring the new administration to the ground by attacking it on a weaker flank than the remodelling of the Statutes.

Apart from the hostility of those who did not like changes there were two other parties Chappell had to counter. We must remember that the University was at this moment one of the desiderata of all political parties on the warpath, seeking to capture it for political propaganda, and to drive out of its portals all who did not agree with the current political notions of the moment.

During these days of piping peace there had arisen a party with a vague theory that they were the descendants of the aborigines of the land, and that all who could not claim this descent were not entitled to live therein. This theory appears for instance, in a petition to the Vatican, demanding only "old Irish Bishops", and using very strong language at the expense of pacific clerics, whom it calls "new Irish Bishops".[4] It appears also in that vendetta waged by the Dublin alderman against the merchant Strangers who were underselling them. It appears also in those dissensions in Douai, of which the Papal Nuncio spoke so severely. In the Rebellion it took the form of changing the names of Irish Counties into the dialect of some long forgotten patois. It was really a form of ante-Royalism, a little tributary of the great tide of revolt that we see in Parliamentary Puritanism. In England this theory took the shape of rude multitudes seizing on lands, advancing the reason that they were the legitimate heirs of the Saxon thegns, dispossessed in 1066 by William the Conqueror. It is very probable that the Planters brought this form of political ratiocination into Ireland, as hithertoo all Irish feuds were circumscribed by clan dissensions only, and all political theories at the

1) L. L. VII—107, 116. 2) L. L. VII—183. 3) L. L. VII—310—311.
4) Franciscan. M. S. S.—88, 92.

time were the invention of Englishmen with a zest for change, and a desire to pose as Irishmen. Be that as it may this "national antipathy" had caused in Trinity "contradictions and bandyings", and one has a strong suspicion that Dr. Martin, and another Fellow, of the name of Cullen, were not averse to this method of annoying Chappell.

To this party the new regime had given great offence. The professorial standard was undoubtedly lower than it should have been, which is quite natural in a comparatively infant institution, existing in a country just emerging from a century of civil war. Strafford had concocted a scheme, whereby Fellows from Oxford and Cambridge were to be imported into Dublin, and the more distinguished Irish graduates were to be despatched to the two sister Universities, there to go through a special course of training.[1] This aroused considerable indignation, and Usher objected strongly to it for certain theological reasons.[2] On Strafford's fall a deputation of seven students approached the House of Commons, lamenting that scholarships were awarded to persons "less worthy than the natives" and that "by such practices we have been infinitely grieved, discouraged, and disheartened to follow our studies". The College authorities protested against students appealing urbi et orbi, and drew their attention to the Statutes forbidding outside appeals. The House of Commons immediately declared that it was now the master of the land, and could dispense with Statutes, despite its legal objections to the Royal dispensing power. It welcomed the seven students to its bosom, passed a series of resolutions, and then fled before the Rebellion, re infecta.[3]

The second causa mali was Puritanism, which hailed every one who did not subscribe to all the changing minutiae of the moment as a reactionary and worse "an Arminian", and "a foe to liberty of conscience". Chappell was no lover of that caste of thought. Usher's logical train embraced many of the new tenets. He therefore regarded Chappell with suspicion, but a man of Usher's intellect and charity knew where to stop, and whom to spare. Strafford and Laud always speak of him with the utmost respect. Unfortunately, however, he was but as a child in matters of State. There is even evidence that the mysterious pary who

1) L. S. I—299; L. L. VII—235. 2) L L. VII—212. 3) H.C.J. I—187, 197.

had written to London "to take the King off his guard when no Bishop was by", had also persuaded Usher to canvass hard in the interests of his nominee.[1] Strafford one time said of him "Learning and honesty are not all that goes to a good Bishop and a good Governor . . . . There are some Puritan correspondents of his that infuse these necessities into his head, besides a popular disposition, which inclines him to a desire of pleasing all, the sure way I think never to please a man's self.[2] Laud's reply was characteristic. "The honestest women are not the quietest wives", and on this subject he spoke with feeling, being sadly henpecked. Suffice it is to say that a large party in the University were wrath with Chappell, that outside belligerent Puritanism and "the old Irish" were spoiling for a minature fight, and that all men looked to the saintly Usher to lead the fray, he, being, firmly convinced that Chappell was" an Arminian".[3]

In the Autumn of 1635 Strafford left Ireland to report progress in London. A senior Fellowship in the University was vacant. The first three of the Junior Fellows were Hoyle, Cullen and Feasant. Hoyle never wore a surplice. He donned one however, on the eve of the Election and appeared in the College Chapel, which was denounced at that period as "a temple of Baal". He was "the over-hot" fellow who had denounced Bedell. Feasant and Cullen had only been 30 times to Chapel out of a possible 730. The cause of this impiety was not agnosticsm. They simply objected to having ought to do with a Chapel presided over by "an Arminian Provost". Chappell used to be denounced coram public for bowing on entering a Church.[4] This was one of the charges hurled by the Puritans against Laud also. "It is a superstition now", was that Prelate's reply, "to come with more reverence into a Church than a tinker and his bitch into an ale-house."[5]

Chappell and the majority of the Board held that they were debarred by statute from co-opting Junior Fellows, who "for the greater part of a year and a quarter abstained from duties, no cause being rendered but want of sheets".[6] Accordingly they passed over the trio, and co-opted Mr. Ware, the next in order, and the son of the famous antiquarian. "Whereupon Hoyle, Cullen

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1) U. P.—374, 375. 2) L. S. I—156, 381. 3) L. L. VII—287, 288. 4) L. L. VII—280. 5) R. P. III. Appendix.—116. 6) C. S. P. 1637—146.

and Feasant came up tumultuously, declared themselves Senior Fellows, and refused to depart." Nay, even there was something very like a scuffle, when Mr. Ware was being inducted, as one mutineer "stretched forth his hand". The defeated candidates then appealed to the Visitors, who were Loftus, Usher, Bulkeley, Martin, Mountmorris, Ware and the Lord Mayor of Dublin. This omnium gatherum seems to have previously inhibited the Board from proceeding with the election. The Board had replied that the right of election was theirs, and was no concern of the Visitors. The Visitors regarded this as "contumacy", held a Visitation, and, amidst great applause, promoted two of the trio and, to make room for them, degraded two members of the Board, which they had no power to do. Pheasant, who seems to have been the most belligerent of all, then rushed out of the room, "and bade the cook put these two out of Commons". All parties then adjourned to the Council Chamber, where strong and unacademic language was used, Pheasant lifting up his voice and saying "shall we be ruled by a Provost and two green headed fellows"?[1]

Truly this was a pretty atmosphere into which to introduce new statutes and a new Charter, which could only be carried by consent. The majority of the Board were now deadly enemies of Chappell, the two new comers having altered the balance of power, and all was wrath. Strafford from afar summarized the proceedings thus. "The act of the Visitors was very precipitate and violent, so sharply to expell two senior Fellows, and all this for a Fellow's sake that never wore a surplice. I judge this hot proceeding rather to come from the vehemence of Dr. Martin, than from the mild and gentle disposition of the Primate."[2] Wandesforde was instructed, as far as he could, to support Chappell, on the general grounds that "the Provost should be upheld by his superiors, and that, even if he err in some circumstantial business, it is far better for the public, if not to maintain his errors, yet to pass by them, rather than to give countenance and encouragement to such young heads, as seek for no other liberty than that which may make way for licentiousness".[3] Laud regarded the disobedience to the inhibition as indefensible.[4]

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1) C. S. P. 1637—145—149. 2) L. S. II—26. 3) L. S. II—15, 37. 4) L. S. II—24.

Strafford, on his return, determined to calm all parties, partly because of the scandal, partly because he wanted a calm atmosphere in which to introduce his Statutes. Usher, for instance, was always amenable to reason, if his "Puritan correspondents" were not at his elbow. In the end peace was achieved, the Provost's authority over the mutineers being vindicated, and the dignity of the Visitors being left unimpaired. The belligerent Pheasant was expelled for his rude remarks. The two dismissed senior Fellows were restored. One of those who had been co-opted remained, and Pheasant's place was taken by Cullen. Ware was to rank as senior to the two petitioners, and the Provost agreed never to question the Visitors in the future. "I like this extremely well", wrote Laud. "If Midsummer Moon shines not too hot among some of them all may be quiet. Yet I doubt we must think how to make the Provost a Bishop, for I will never trust myself, if the Primate do not seek all occasions to cross with the Provost, for great is Diana of the Ephesians."[1] In this Laud was right. Chappell was appointed Bishop of Cork. Strafford wished him to finish his work in Trinity College, before retirning to his See, but Usher immediately raised the Statute that no Provost could hold a church living, and both the Deputy and Laud had to give way.[2] On Strafford's fall Chappell was much denounced by the Irish House of Commons. Prynne regarded him as a Jesuit. One of the charges made against Laud was his preferment of Chappell, Subsequently Dr. Martin became Provost, no one seeming to object to his tenure of a Bishopric. He, however, fell on evil days. He celebrated a service of the Church of Ireland in the Chapel, for which offence Cromwell sent him to gaol, the tide of Puritanism having swept far beyond such minutiae as Hoyle's surplice.[3]

Shortly after this the new Charter and the new Statutes came into operation. The latter was a matter for the Prerogative. The former was by Strafford's "powerful way consented to".[4]

Elrington assumes that the Board were hostile to the new Charter, and that Strafford only carried it by a coup d'etat, which consisted of ordering the Board to co-opt two Senior Fellows.[5] This is not quite accurate. Chappell and Ware were undoubtedly in favour of the Charter. Another Senior Fellow, Conway, was

1) L.L. VII—368. 2) L.L. VII—520, 510; L.S. II—194. 3) Ware. Bishops. I—356. 4) L.L. VI—487. 5) U.E. I—195.

subsequently attacked by the House of Commons for having given it his support. There was accordingly a majority in its favour already. As it was, the whole Board accepted the Charter "in all humility and thankfulness", and described it as "lima accuratissimi judicii perpolita", which is not unnatural, as it increased their powers.[1] The origin of this canard was one of the flamboyant resolutions passed in the House of Commons at a time when poor Chappell wrote "Ruunt agmine facto in me profana turba, Roma Genevaque", That resolution is so inaccurate as to denounce as one of the "Arminian conspirators", a clergyman who was not even a Fellow at the time. It is true two Senior Fellows were created. This had frequently been done before by the Deputy, who had the right of nomination.[2] It was done, however, for another reason. They were too old and of too high academic rank to be elected only Junior Fellows. By the new Statutes they would have to wait till their seniors retired, before they could reach the governing body. Strafford and Laud disliked bringing in a new Charter and new Statutes, and then exercising the dispensing power to promote these two, being anxious to make the new rules a fundamental constitution. Accordingly to avoid this, they co-opted them on to the Board before the new Charter arrived. This nomination had nothing to do with passing the Charter. They were simply "men of degree, able for Government, and unfit to come up as juniors", and therefore co-opted "before the Statutes were settled".[3]

The explanation of the resignation of the old Charter, and the acceptance of the new is simple. Strafford had influenced Usher and Martin, and they had easily calmed any opposition. Usher had a profound affection and respect for Strafford, differing from him only on theological minutae, which did not enter into this question at all.

The gist of the new charter and statutes was to turn a loose Democracy, depending on outside forces, into a close oligarchy. Before this the King, the Deputy, the Visitors and the Board could all elect Fellows, and could place them on the Board, and the Board could and did alter the Constitution whenever it pleased. The Junior Fellows were now nominated by the Board. The

1) C. S. P. 1637—172. 2) U. P.—389. 3) L. L. VII—324.

Board could only consist of Fellows. The number of Visitors was cut down to two, and their powers curtailed. The appointment of Provost was vested in the King. The power of making Statutes was reserved for the King. Fellows were appointed for life. Up to this they had to resign at the age of about 26, with the result that the majority were young and inexperienced men.

From this period onwards the storms have never affected the University. No political party on the warpath has ever been able to capture it, and use it for the unlovely and frequently violent aims of a faction. During the political excitements of 1640 and 1641 the House of Commons tried to bend it to its will, but this Charter saved it from the onslaughts of all the contending parties in that excitable body. During the Civil Wars it suffered financially, but it preserved the even tenour of its way, unaffected by any internal commotion. Under the Protectorate, save for the arrest of Martin, it managed to escape the expulsions and commotions that desturbed Oxford and Cambridge. It remained what Strafford meant it to be, a non-belligerent institution, offending no man, going its way in peace, and preserved, by an oligarchic charter, from all the furies that rise and roar, and destroy in every generation.

In assessing one cause of the spread of the Reformation among the upper classes in Ireland we cannot ignore this institution. For sixty years,—the three generations that elapsed between the accession of James and the Restoration,—the sons of the Peerage and the Squirearchy resorted hither in growing numbers. During the Civil Wars this tendency even increased, as Dublin was the haven of refuge for all those who were not on the warpath. In addition to this there was a steady output of educated clergy, where, during the Tudor period, a clergyman who could read was a rara avis. Thirdly the professional class—a growing body in the Stuart epoch—passed through its portals. In 1637, for instance, a Regius Professor of Physic was appointed.

The second incident that accentuated the Reformation was the spread of education. The analogy of every country in Europe teaches us that where commerce, education, literature, and art spread, the spirit of inquiry followed, and where it did not run to the excesses of Anabaptism and thus produce a reaction, what is loosely called the Reformation followed as a matter of course.

Customs, rites and traditions, accepted as normal in the age of falling feudalism, became anathema in an age of critical peace. Save for the outburst of Intellectualism at the close of the 18th century, this may be regarded as the Augustan age of Irish research. It reached its culminating point between 1625 and 1640 when the recluse could work, and procure aid from other recluses. The great figures only survive, but their existence betokens a great intellectual activity amongst minor men. Some of the great figures operated abroad. Florence Conry played a large part in the development of Louvain, and was the tutor of Jansenus, who utilised one of his works in his famous edition of Augustinus.[1] Lombard figured as a great literary figure for a considerable period, chiefly on matters theological.[2]

It is very doubtful however, if a famous panegyric of his on Hugh O'Neill is really his work. Lombard never regarded Hugh O'Neill as a religious champion. The hostility between the two is unmistakeable, the former trying to secure the appointment of belligerent Bishops, and the latter asserting that such nominations only drove the Government to resort to penal methods.[3] O'Neill and O'Donnell replied with a bitterness which denotes strained personal relations,[4] and, after O'Neill's death, Lombard did not hesitate to accuse him of "malignity and calumny".[5] Lombard, the patron of Rothe, was always a non-belligerent, holding that, if he was to convert Ireland to Roman Catholicism, propaganda and not the sword was the great method. He died in 1625. Seven years after his death a work appeared with the superscription "Petrus Lombardus", glorifying the "pii conatus et res gestae a Principe O'Neillo ad fidem Catholicam propagandam". A copy is still extant in the Royal Irish Academy. Windebanke's evidence is conclusive. Writing eight years after Lombard's death to Strafford, he says "His Majesty understanding there is one Petrus Lombardus, or that calls himself so, who hath lately published a dangerous book, requires your Lordship to suppress the book, and to call the author to account".[6] The Secretary, who dealt with all Charles' correspondence with the Vatican, and was on intimate terms with the Roman Catholic leaders, was obviously

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1) C. R. I—400. 2) C. R. I—24. 3) A. H. III—296, 297. 4) A. H. IV —293—298. 5) A. H. IV—300. 6) L. S. I—161.

convinced that the author of this book was alive in 1633, and was writing under a pseudonym. It was probably the work of one of the enthusiasts for the O'Neill party in the North of Ireland.

In addition to these writings there was Philip O'Sullivan, whose history though most unreliable, is a mine of military information, couched in sonorous and pathetic language. Richard Stonehurst of Louvain is described by Parr as "an excellent historian, philosopher and poet", and wrote a treatise on St. Patrick's life, with two Latin theological treatises. Usher, whose uncle he was, seems to have procured materials from him for what he modestly calls "my recreation in gathering together the scattered antiquities of our Nation".[1] Wadding, a near relative of Lombard's, was undoubtedly the ablest of the Roman Catholic archaeologists. His literary agent in Ireland was Father Strong, the head of the Dublin Franciscans, who kept him in touch with Ware, Usher, and Lord Aungier.[2] Withouth is profound scholarship and superhuman industry huge tracts of Irish history would be but dark and barren.

At home the volume of literature steadily increases. At first it is but a trickle. In the Elizabethan era Dr. Walsh of Ossory had translated the New Testament into Irish, but the times were not ripe for scholastic effort, the author being murdered.[3] The manuscript however was preserved and edited by Dr. Donnellan of Tuam, and printed by Dr. Daniel his successor.[4] Ambrose Usher translated much of the Old Testament into English.[5] Towards the end of the reign of James, Rothe's Analecta appear, which are partly antiquarian, partly polemical, and partly theological. A reply to this work was published by Ryves, the Master in Chancery, who also wrote "The Poor Vicar's Plea".[6] Ryder, the Bishop of Killaloe, then wrote a Latin Dictionary, "A letter concerning News out of Ireland", and "A claim of Antiquity on the part of the Protestant Religion".[7] Cave wrote his history of the Irish Customs, Bolton, "How the Laws of England came into force in Ireland", Aungier his "Tractata", Leslie his work on Episcopal Jurisdiction and Downham his "Covenant of Grace". Bedell's

1) U. P.—2. 2) Franciscan M. S. S.—42, 49, 16, 5. 3) H. P. C. I—54. 4) Ware Bishops. p. 616. M. P. R. II—401. 5) U. P.—2. 6) U. E.—70. 7) Cotton. Fasti.—401.

Bible and Catechism were written in the reign of Charles, with the assistance of three of his minor Clergy, Sheridan, Nangle, and King.

Far beyond, however, these minor works was a trilogy that appeared between 1630 and 1640. The Annals of the Four Masters were produced in about 1635. They are the work of four friars, living at the House of Fergus O'Gara, Member for Sligo in Strafford's first Parliament. They consist of excerpts from all the family records of the country, which were borrowed for the occasion, and constitute the basis of all historical research into Irish History. As these records were destroyed in the ensuing wars this work is invaluable. Ware is the next product of the age. He was a graduate of Trinity College, Member for the University, a Member of the Irish Council, and Strafford's Auditor-General. His records are historic. Far beyond them all however was Usher. How one man could emass such knowledge of history, literature, and theology staggers the imagination. His library was one of the features of the period. His publications made him a European figure. Among the Irish scholars he is undoubtedly the first.

For one generation, when knowledge was but scantily difused, when the population was not a million, to have produced so many works and men of this rank argues an intellectual activity which has never been justly appreciated. Nor was this activity the facile writing of rhapsodists. Lombard, Conry, Rothe, the Four Masters, Ware, Bolton and Usher were scholars, living laborious days and rescueing by meticulous labour, the wrecks of bye-gone civilizations from the limbo of neglect. Ireland was passing through the same stage as England during the reign of the Tudors. Peace was assured, and thus the scholar came to his own. Commerce was doubling and trebling. Communications were becoming daily more rapid. The Four Masters could probe into every Country House. Usher corresponded with the leading lights of Continental thought. Conway, one of the literary lights of the Court had settled in the North, and brought his library there. Strafford's Vice-Regal Court was as remarkable for its culture as for its splendour. He himself was a man of considerable literary gifts, and Sir Philip Warwick says that his Court was "a good imitation" of that of Charles, which was at that moment the most brilliant in Europe. Of his Ministers Radcliffe, Wandesforde,

Adam Loftus, Dudley Loftus, Ware, and Bolton were men of more than usual culture. Where the Society of the Upper classes was so small in such a small country, where the Court patronized the higher arts, and the gentry took their tone from the Court, the slovenly rudeness of the earlier periods was soon, very soon a thing of the past. It was a court free from the vices of courts. We get one glimpse of its nature in Strafford's refusal to allow toasts to be drunk at his banquets. "Drunkenness in his servants was, in his esteem, one of the greatest faults." [1] He himself was a man of considerable culture. His literary style is that of a perfect master of prose, whether expatiating on matters of State, or touching lightly on the comicalities of his surroundings. His letters team with references to contemporary literature. In one of his letters to Conway he writes "The transmigration of a statesman into a poet is not only beyond all Ovid writ, but all Pythagoras ever dreamt, or an Apulius himself ever felt. But, least I come to offend myself of seeing, by gazing too long after these soaring wits in their elevation, I will refresh it by looking on the green fields, where there is more grass than ever I saw at this time of the year, and finding that, do all I can, I shall never be able to build up one epigramn, I am busy to get myself a house up here, and therein do all my work in good honest prose, which, howbeit not so lofty, yet may chance to be fully as well understood as the other. At all events I shall not thus break my wit. Qui jacet in terra non habet unde cadat." [2]

The tone of the Court was culture. The administration was packed with men, far, very far removed from the buccaneers of the Elizabethan era. Radcliffe's despatches reveal a mind bent on matters literary. Wandesforde's "Instructions to his son" are the most powerful antidote ever written to the letters of that blithe old pagan, Lord Chesterfield. Bramhall was one of the ablest controversialists of the period. Conway is described by Clarendon as the greatest patron of literature at the Court of Charles. Nearly all the letters of his agent contain some reference to the re-organization of his library. Ware was, after Usher, the greatest archaeologist of the period. Bolton's legal disquisitions are by no means "Dry as dust" documents. Ormonde has always

1) L. S. II—453. 2) C. S. P. 1637—160.

been regarded as the ideal prototype of a cultured man of action. Robert Dillon was of the same type. His son, who was Strafford's nephew, according to Pope, wrote "the only unspotted poetry" of the Restoration. Robert Boyle, the son of the Earl of Cork, and later the famous chemist was at this period at Eton, and Congreve but at child at Kilkenny.

The trend of the age was thus assisted by the atmosphere at headquarters. The general spirit of culture and civility was aided by the State, and patronized by the very men, on whom the rural gentry modelled their actions. To a Court atmosphere of this calibre the perfervidum ingenium Scotorum could not have been impervious. It was only the culminating point of a spirit that had been in operation since the subsidence of the Elizabethan passions. How far it had spread even to remote districts is thus described by Strafford in his Munster tour. "Oratory hath abundantly magnified itself through these excellent pieces we have heard, one at Carlow, three at Kilkenny, two very deadly long one sat Clonmel, four not of the shortest here at Limerick. Architecture and inventions here not asleep, as appeared in their arch-triumphals, with their ornaments and inscriptions, the ingenious accomodation of their Cupids, their Apollos, their ancient genii, their laureate poems, and such like. Here pour la bonne bouche —as the French say—we saw all the heavenly planets in very heavenly and spherical motion, and heard each of them utter in harmony several verses in our praise, telling us rather what we ought to be, than what we were, — a common case of all painters and orators,—and the Sun, the King of Planets, over and above all the rest, did, instead of his indulgent heat, benignly squirt of his sweet waters upon us forth of a syringe, my hopes being all the while, the instrument was new, and had not been used before."[1] Thus did rural effort struggle to follow the fashions new.

Apart however from the spirit of critical inquiry which spread where'er this culture percolated, we must remember that literature at this period, like politics, was dominated by theology, and in the wordy warfare of the contending schools, all the great guns were on the side of the Reformation. In Ireland alone, if we except Rothe, the Roman Catholic Party had no one to complete

1) C. S. P. 1637—168, 169.

with Usher, Ware, Bedell, Bramhall and Leslie. Once the Church of Ireland recovered after the wars it proceeded to dominate the stage of controversy, culture, and propaganda, and, at this period, where the brightest intellects were and this applies all over Europe —thither the educated classes inclined. When James I. came to the throne the peerage, gentry, and bourgois wherever they show any convictions are Roman Catholic. When James II. made his bid for power undoubtedly two-thirds, probably three-fourths of the Irish Upper classes were militantly Protestant. The change was slow and imperceptible. Nevertheless the change had occurred. Nearly all the historic names followed William of Orange.

Chapter V

THE DEFEAT OF PURITANISM

> His zeal is of a curious character. It is not for the diffusion of truth, but for the spreading of contradiction. Let the noble teachers but dissent, it is no matter from whom or from what. This great point once secured it is taken for granted their religion will be rational and manly. I doubt whether religion would reap all the benefits which the calculating divine assumes from this "great company of great preachers." This will not be conducive to national tranquillity. Surely the Church is a place where one day's truce ought to be allowed to the dissensions and animosities of mankind. BURKE.

Apart however from this aspect of the religious situation there is yet another which cannot be ignored at this period. It is the rapid spread of that all embracing cult known as Puritanism. It must be very carefully distinguished from Calvinism, the ancestor of Presbyterianism and the Nonconformist Sects. Calvin, as Leslie put it, "wanted nothing of a Bishop but only the title", and remained in full authority over his Presbytery all his life. Beza his successor did the same for ten years.[1] Puritanism was religious intellectualism brought to its utmost extremity. It bore the same relation to Calvinism as licence does to liberty. On the Continent it culminated in the communism of the Anabaptists, which frightened property into the Counter-Reformation. It was now sweeping over England, first assailing the Prelacy, then the Crown, then the very basis of the State and ending in that wild upheaval when Cromwell's army mutinied, Sheriffs and Magistrates were defied, and private property seized by mobs. Then came martial-law, a military dictatorship, a series of executions, and England regained its normal calm, never to flirt with anarchy again.

1) R. I. A. P. VI—10 p. 6.

How far had this spirit of egotism, using religion as a stalking horse, spread in Ireland? It had undoubtedly affected Trinity College. Usher was not averse to many of its principles. The one case of ordination by Elders occurs in his Diocese. Knox, the Bishop of Raphoe, was its strongest exponent. Bedell paid it some allegiance by holding a Diocesan Synod, "grounding himself", as Bramhall put it "upon some old obsolete canons, not considering the great inconveniences that may spring from hence".[1] Downham, Bishop of Derry, published a book entitled, "The Covenant of Grace", reviving an ancient controversy on a meticulous theological point, and attacking the Arminian school. This ran counter to Royal Instructions against "causeless invectives".[2] Three Oxford Dons were expelled for raising this controversy tumultuously, and Downham's book, printed in Dublin in 1631, was called in by Royal warrant, lest it might pass over to England and "set Prelate against Prelate and Synod against Synod, until both sides became weary of contending".[3] Usher had overlooked the proofs of this work, and published a work with the same philosophic basis, but, as his was couched in Latin—he calls it "the first work in Latin ever printed in Ireland"—it was not regarded as calculated to cause a breach of the peace, and so escaped censure.[4] Buckworth, the Bishop of Dromore, was also supposed by Laud to incline towards the rising tide of Puritanism.[5] On the other hand there are very few traces of the belligerency of the English schoolmen. Bramhall never inhibited a clergyman in Derry for Puritanism, from which we may deduce that none of the Scotch Divines there were of the stamp of Prynne or Lilburn. Despite the fact that two-thirds of his Diocese was planted with Scotchmen, he was never troubled save by a Scotch Monopolist, who mingled sharp financial practice with strong religious views, and "an anabaptistical prophetess, gadding too and fro", who, in the end, married a Roman Catholic, at which "the brethren were much offended". Some churches were barricaded against the clergymen, but, on the whole, Londonderry was very free from any general display of Puritanism. All during the disturbances in Scotland, Bramhall had nothing to report. The little displays that had occurred were most probably due to an active minority among

1) C. I—63. 2) R. P. I—180. 3) P. L.—171, 172; U. E.—129, 130.
4) U. P.—432, 434, 469. 5) L. L. VII—94, 95.

certain of the Planters from London.[1] The schoolmaster appointed by the Corporation was a Jew, which argues no great theological zeal among the inhabitants.[2]

Down and Antrim however, were the strongholds of the rising tide, rising too with such fury that in 1641 an army appeared in that quarter waving the banner of Puritanism, and strong enough to hold its own against all comers. The great industrial activity of this area, due to its proximity to the Northern coal fields, has induced many to regard the settlers at this period as harbingers of civilization, carrying "the White Man's burden" among the kern. The writers of the Stuart period however regarded them with greater horror than the wildest of the Connaught Swordsmen. The mistake is due to a confusion between two Scotch races. The Planters in the Plantation area were the capitalists of Edinburgh, brought in by James to develop the six Western Counties. The settlers in Down and Antrim were emigrants, who had come over of their own volition, just as the modern peasantry migrate to the States and Canada. Blair, the Apostle of Ulster anabaptism, speaks of their character, habits, and ignorance as such that he was very loathe to settle there.[3] Stewart, one of the succeeding Evangelists, writes of a vast collection of nondescript labourers—"the scum of both nations, who feared not God, neither regarded man, many being fugitives from Justice", fleeing to "the land of licence, and liberty"[4] No small number of these, as subsequent events proved, came from Western Argyle, and it is as useless to argue that the inhabitants of that area were ardent theologians, as it is to assume that the Irish peasantry of the Elizabethan period were enthusiastic Roman Catholics. When James wished to compare the Puritan and belligerent divines to Pagan persecutors it was from the inhabitants of that area that he drew his comparison. "I have found", he said, "more truth and honesty among the barbarous highland men than I ever did among these divines."[5] Swift at a later period ascribes the "civility" of Antrim and Down to these settlers imitating the more decorous behaviour of the natives! The final proof that they were not the harbingers of civilization, which the Puritan polemicists of the Long Parliament assumed, is that, at the period when the Government were straining every nerve to

1) C. I. XII—54, 62. 2) L. S. I—82. 3) A. B.—14. 4) Presbyterian Memorials. Witherow.—32. 5) R. I. A. P. VI—10. p. 11.

bring in Scotch and English farmers and artizans, they issued two Proclamations forbidding shipowners to introduce these migratory and unofficial persons into Antrim and Down, on account of the ensuing "extraordinary resort of the meaner sort".[1]

Stewart however. says that the cause of his coming was the encouragement given by certain of the upper classes.[2] Those to whom he refers were Chichester, Montgomery, Lord Claneboye, and Sir John Clotworthy. Chichester's father, the Deputy, had undoubtedly lent towards the Puritan doctrines, and his son no doubt imibibed them. Strafford's Commission of Defective Titles had altered the tenures of a third of the Chichester estate, aud. recovered certain tithes, advowsons, rectories, and fishings. Lord Chichester had also lost the post of Vice-admiral.[3]

Montgomery and Claneboye appear also at loggerheads with the powers that be. Partly by arrangement with Con O'Neill, partly by Crown leases, and partly by purchases they were now large landed proprietors. The panegyrist of the Montgomery-Claneboye dynasty relates that by long leases at undervalues both "engrossed" many Church Lands.[4] As has been stated both adopted a new form of Church remuneration. They made the Ministers, whom they brought in their salaried servants, while retaining the tithes and the livings in their own hands, the benefices, thus, as Bramhall, puts it, "lying bleeding at the stake".[5] Claneboye had much ado to keep his gains from Strafford's Inquisitions.[6] Bramhall recovered some of the rectories by 1635.[7] In 1637 some more were recovered.[8] Strafford estimated this latter recovery at £ 300 a year.[9] Montgomery also made the local Churches into kind of Courts, to whose "censures the people submitted and paid willingly their ecclesiastical dues, and so were in no hazard of suits in Ecclesiastical Courts, but of their landlord, if he pleased to chastise their stubborness"[10] In other words this highly respectable nobleman was usurping the powers of the ecclesiastical Courts, and utilising this form of jurisdiction to "chastise" what he judged to be "stubborness". This would not be tolerated by Strafford. Under him "Great Ones" had no such

1) B. L.—25, 28. 2) Presbyterian Memorials. Witherow. p. 33. 3) C. I. XII —15; C. S. P. 1638—199; L. S. II—190, 202, 267, 280. 4) H. P. C. I—88. 5) M. M.—47; H. P. C. I—89; C. I. XII—41. 6) Hamilton Papers p. 29. 7) C. I. XII —14—17. 8) C. I. XII—71; C. S. P. 1637—226. 9) L. L. VII—368. 10) M. M.—55.

Prerogative. There was undoubted friction between all the Montgomerys and Strafford. Lord Montgomery lost all his Customs' prerogatives which were "retrenched by Parliament and vested in the Crown again". He also lost his "franchises, immunities and privileges" before the Defective Titles' Commission.[1] All this was the cause of that angry petition that came out of Ulster on Strafford's downfall, complaining of "the cruel severity of the civil magistrates, the unblest way of the prelacy with their faction. Our souls are starved, our estates undone, our families impoverished, and many lives among us cut off and destroyed".[2]

This petition was engineered by Sir John Clotworthy. His family was the first to welcome Blair on his arrival in Ulster, Sir John being described as "very virtuous and religious".[3] Sir John Clotworthy was the son of a soldier, by name Sir Hugh Clotworthy, who was keeper of the Royal boats on Lough Neagh. This post and the pay he surrendered for a pension for himself and his son. Subsequently this was surrendered for a Company for Sir John. This bargain Strafford flatly declined to ratify when he came over to Ireland. The post of boat keeper was a sinecure, which the Irish Parliament abolished in the second year of Strafford's administration. The pension was illegal, the Irish Executive being forbidden to grant pensions for two lives. Even apart from this, Strafford's commissions were always matters of military efficiency and not financial bargaining.[4] Sir John Clotworthy was one of the active business men, who were now appearing in Ireland. His father was one of the agents of the London Corporation, and he and the son by purchases extended their sphere of influence into Antrim, of which latter county the former was member in Strafford's first Parliament.[5] He was one of the Earl of Cork's financial partners, and that area in the Londonderry Plantation, which was nominally owned by the Drapers, had, by foreclosure on a mortgage, passed into the hands of Sir John Clotworthy.[6] At the beginning of the Strafford regime all this area was escheated to the Crown, owing to the gross mismanagement of the Plantation by the Corporation and their agents. Clotworthy must have had a powerful syndicate

1) M. M. — 108, 129. 2) A sample of Jet Black Prelatic Calumny. — 133. 3) A. B. — 71. 4) C. S. P. 1625—1660—180; 1626—180; 1628—366; 1629—452; 1630—541, 584; L. S. I—409. 5) Stewart's Account Chapt. II. H. P. C. I—85; C. S. P. 1634—63. 6) L. P. 1. s. III—154.

behind him, because he was actually able to put in a tender to "undertake" this area of 47.000 acres. Against this policy of private undertaking Strafford fought hard, and in the end triumphed, on the general grounds that "so great a power and command be not passed forth of the Crown to any man whatever". His proposal was for the Government to reform the chaotic Plantation itself.[1] The Commission sent down to reorganize matters gave the greatest dissatisfaction to the agents, who were compelled to forego certain of their leases.[2] Sir John was among the sufferers, and, at about the same period, he fled from Ireland and joined the Covenanters.[3] He seems to have been a persona grata with the London Corporation, who went with enthusiasm into the Revolution, partly through indignation over this escheat. When it became frightened at the ultra-revolutionary tendencies of the Levellers, and essayed a compromise with the King, Clotworthy was one of their supporters. Him accordingly Cromwell expelled from the English House of Commons, to which he had been elected to conduct the prosecution of Strafford. Another cause of dispute between Sir John and the Prerogative was a monopoly he had held from youth of licensing taverns, wine, and aqua vitae in County Antrim.[4] These private monopolies Strafford, at the request of the House, abolished, they being based only on custom and not on law.

We accordingly find that the financial and agrarian interests of this powerful and popular personage were singularly hostile to the whole Stuart policy. Between great financial adventurers and the Crown there was a very deep gulf, the latter always seeking to control the former, and the latter ever seeking to establish the theory of laissez faire. Even Cromwell, who confined all his energies to preserving order in Ireland, fell out with Sir John Clotworthy, because he paid his soldiers in paper assignats, and exported at a profit to himself the gold he had received from the Protectorate.[5] He was also the son-in-law of Ranelagh, a bosom comrade of Cork and Parsons, and generally associated with that semi official semi financial group, which used Puritanism to overthrow Strafford.

These were the great figures in Antrim and Down that brought

1) C. S. P. 1638—202, 203. 2) C. S. P. 1625—1660—230. 3) L. S. VII—464. 4) C. S. P. 1630—539. 5) Lilburn. Resolved Man's Resolution.

in the Scotch Divines. No doubt they were religiously disposed in that direction. Claneboye and Montgomery, for instance, were Scotch and thus more inclined to favour the Kirk than the Church. The former of these two was not actively or openly a supporter of the Covenant. This was enough to make the latter support it in public, their mutual hostility being one of the scandals of the period.

The glaring fact emerges in all the upheavals of this transition period in religion that the great men of the era, when they wished to attack the Prerogative did so on religious grounds, and that, with few exceptions, all the political leaders of religious agitation had excellent mundane reasons for their actions. The religious spirit pure and simple appears only among the minor men. The last trace of this spirit of religious belligerency is found still in Ireland in popular politics, where a party on the war-path strains every nerve to give a religious complexion to its jehad, either by denouncing the religion of an unpopular Minister, or by advertising the religion of a leading demagogue, or by dwelling on some possible effect a measure may have on the prosperity or otherwise of some religious body. The tradition dates from the time that the Irish chiefs always "rose out for religion and liberty than which no two things are dearer to the heart of man". It was consolidated and made customary in the reign of Charles I.

Outside these four men and their immediate circles there is very little trace of active Puritanism or Calvinism. Certainly the Plantations reveal nothing but indifference on the matter. In Tyrone Lord Castle Stewart was a patron of Calvinism.[1] In Donegal—and this may be ascribed to the influence of Dr. Knox —one clergyman displayed an enthusiasm for the Scotch doctrines.[2] In the Derry Plantation a certain unrest is noted at the beginning of Bramhall's regime, which may be regarded as the aftermath of his predecessor's influence.

During the Civil Wars Puritanism it is true appears as a belligerent war-cry in the Cities, under Waller and Inchiquin, but, during the Strafford era, the Puritan divine and his angry followers give trouble only on the estates of these four men. Bramhall who kept an eye on such matters distinctly states that among the clergy, where theological excursions would first appear, "there are at

1) L. S. II—189. 2) L. S. II 245.

present few foreign differences and the influence of foreigners will, I hope, be more easy to keep out than it was to eradicate".[1] From this we may deduce that Irish Puritanism, where it existed took the form rather of a Calvinistic trend, than a blind fury against Church and State as in England and Scotland. Patrick Adair, who came over to Antrim in the Civil Wars, distinctly says that there were "very few Noncomformists then in Ireland, except in the North, and in a very few counties there".[2] Stewart is quite as emphatic. He speaks of the lower orders of Antrim and Down as persons outside all churches, just as Brady used to denounce the peasantry of Meath in 1580. The Puritan enthusiasts were "Scotch with estates and lands", obviously the aforementioned squires and their friends. The subsequent commotions Stewart ascribes to national sympathy between the Scotch cottiers and the revolting covenanters in Scotland, and even that was quelled by Strafford, as a policeman quells a riot. "The rest, though they had not the feeling of things from any principle of grace in their hearts, yet the very pride of their heart and a sort of nationality biassed them to scorn conforming, though they joined with it because it was the King's will and the law of the land."[3]

This movement, as yet in embryo, Strafford was determined to confine within bounds. Ireland could not endure another religious question without grave risk, least of all when engineered by men who were "ill disposed". Scotland, and not Ireland, was the hot bed of sedition at this period. The revolting Lords had not yet made up their minds whether to "rise out" for Roman Catholicism or Puritanism. Undoubtedly before Strafford arrived they had been not averse to using discontented Roman Catholicism for their ends, even to the point of appealing for aid to Spain. They had undoubtedly been in seditious communication with the relics of feudalism in Ulster, with whom they had many family, traditional, and political ties.[4] No small number of the Scotch nobility were in the same stage of civilization as the Irish feudalists under Elizabeth, and as the Barons under the Plantagenets. Ministers with their "dependance" on these men, coming into areas

1) C.S.P. 1633—17. 2) True Narrative. Patrick Adair, p. 78. 3) Presbyterian Memorials, Witherow. p. 33. 4) Cowper. M. S. S. I—402, 416; Laing. M. S. S.—187, 188; Ven. 1625—89; 1626—448; 1627—437, 462; C. P. B. LXIV—480; C. S. P. 1625—1660—130.

to which men like the Earl of Argyle laid hereditary claim, and there denouncing ecclesiastical Courts, Bishops, nay even the Royal supremacy, was something at which a man like Strafford looked askance. They also taught the doctrine that the subject in Ireland was not bound by the Canon Law in Ireland, if he was of Scotch extraction, but by such customs as Scotland had evolved.[1] Sir Philip Warwick says that when Strafford arrived in Ireland he found a prevailing opinion in Antrim and Down that the inhabitants there were "supra legem".[2] Celtic septom had been crushed. A new form of local independence was now arising. In 1638, when they demanded the right to utilize the Irish Churches and ecclesiastical Courts for the setting up of the Scottish discipline, they received the tart reply that they were living in Ireland, and must accommodate themselves to Ireland, "and if they will not they may return into Scotland, and leave honester men to fill the Plantations".[3]

Strafford arrived in Ireland just after Echlin the Bishop of Down had inhibited Blair, and Livingstone, and two others for refusing to take the oath of Conformity.[4] This inhibition, as has been related, they evaded by not preaching from the pulpit. On the arrival of Strafford they presented him with the signet letter ordering an inquiry into their case. Blair suggests the letter ordered a State trial. The letter however is on record, and all it warranted was a personal inquiry by Strafford into the justice or otherwise of their claim.[5] Their claim was that there was "no law" empowering a Bishop to tender the oath of conformity to a clergyman.[6] There was, it is true, no Canon enforcing this, but there was an Act of this nature on the Irish Statute Book. Blair at a later period challenged the right of Parliament to endow a Bishop with such power.[7] Strafford seems to have treated Blair to the rough edge of his Vice-Regal tongue. "He reviled the Church of Scotland and upbraided me, bidding me come to my right wits, and then I should be regarded, which was all the answer I got from him."[8]

It was however, no part of Strafford's policy to mar his Irish regime at the beginning with a religious dispute. His whole

1) J. L.—16, 17. 2) S. T. IV—200. 3) L. S. II—231. 4) J. L.—101. 5) Cowper. M. S. S. I—469. 6) H. P. C. I—137. 7) H. P. C. I—185. 8) H. P. C. I—141.

attitude was that a man who held orders under the Irish Church, used its Churches and rectories, and was ordained under its auspices, was bound to conform to its general doctrines. On meticulous points as to what these doctrines were he declined to argue, but when the Clergymen refused to take the oath of Conformity, he had no alternative, but to leave him to the Bishop. On the eve of the Parliament Lord Castlestewart of Tyrone came to intercede for the inhibited four.

Lord Castlestewart is the only landowner outside Antrim and Down who appears as a supporter of the Scotch Ministers.[1] The Stewarts however were personae gratae with the Deputy, for reasons of high state policy. Ulster and Scotland were affected by the same feudal ramifications. Between the Stewarts and the Campbells, and the Stewarts and the Hamiltons, there was a deadly feud reaching far back into history, and the Campbells and the Hamiltons, being powerful and belligerent, the Stewarts were loyal. During the Scotch emeute the Earl of Argyle declared himself a Covenanter and went into rebellion. In that rebellion the Marquis of Hamilton, though he was the King's adviser, played a double game, from which Argyle profited. After the crash they appear as allies, and the forger of Argyle's canon was a clansman and a servant of Hamiltons. The King's castle of Dunbarton was handed over to the Covenanters by the Earl of Abercorn, the same Master who a few years before was the patron of Ulster Roman Catholicism.[2] The Stewarts on the other hand were the bulwark of the Crown. It was through them that the King had got a hint of certain dealings with Spain on the part of Scotch Lords.[3] It was to the Duke of Lenox that Strafford handed over the care of Culmore Castle.[4] It was Robert Stewart, Lenox's henchman, who gave Strafford valuable information on the movements of the Covenanters.[5] It was Sir Robert Stewart who commanded the forces Strafford sent to quieten Antrim and Down.[6] It was Lenox's Secretary who obviously informed Strafford of the mooted invasion of Ulster by the Campbells, in alliance with the O'Neills.[7] The climax of this Scotch feud occurred, after Strafford's death, on the occasion of the King's visit to Edinburgh. Two of the Stewarts formed a

1) L. S. II—189. 2) L. S. II—325; C. S. P. 1629—499. 3) Laing M. S. S. —187, 188. 4) L. S. II—79, 113, 159. 5) L. S. II—276. 6) L. S. II—313. 7) R. C.—213.

design to assassinate Hamilton and Argyle at Holyrood. It was discovered and both noblemen conducted themselves in such a manner as to suggest the complicity of the King. This, usually known as "The Incident" balked all Charles' hopes of securing Scotch aid to cope with the mutinous Parliament, after which he essayed the task of mobilizing feudal Ireland with disastrous results.

This Stewart feud percolates through the religious question in Ulster. Being Scotchmen the Stewarts were certainly not of the Laudian School. With them, however, religion was a matter of conscience and not of State, and, being law-abiding subjects, Strafford left them alone. Lord Castlestewart he describes as "a separatist" and speaks scornfully of his religious proclivities, proclivities which Lodge thus describes. "He was a firm patron of the Nonconforming Ministers who had left Scotland on account of the articles of the Perth Assembly"[1] He was very poor, so poor that he could not even pay the fees for his peerage, his father having mortgaged all his property. Nevertheless Strafford did not demur to renewing his peerage without payment.[2]

Another of the Stewarts was Sir Frederick Stewart of Donegal, a member of the Council. At the moment when the Marquis of Hamilton was negotiating the Scotch business, and Strafford was under strict orders to work with Hamilton and do nothing to discountenance him, a startling letter was received from Laud.[3] A clergyman by name Mr. Pont, who was connected with Sir Frederick Stewart, denounced coram publico the authority of all Bishops. His wife seems to have joined in the affair, by making "a lewd speech in the Church". The Bishop "convented" her, Pont having fled to Scotland. While the ecclesiastical Court was sitting Sir Frederick sent for one of the officials, commanded him to leave the Court and come to him, deriding all ecclesiastical Courts. The Bishop appealed to Laud, adding some scandal about Sir Frederick, to the effect that Mrs. Pont was his illegitimate daughter. Laud reported this to the King. Strafford was ordered to prosecute Sir Frederick for countenancing a contumacious Minister, for insulting an ecclesiastical Court, and for divers immoralities, and to dismiss him from the army and the Council, if found guilty. Hamilton entered into the business also. He informed Laud that Sir Fre-

1) Lodge VI—243. 2) C. S. P. 1636—139, 1641—280. 3) L. S. II—245.

derick Stewart was the cause of all the commotions in Ulster and that his two sons had gone to Glasgow for seditious purposes.

Strafford summoned Sir Frederick to the Council Board, and there held a State trial. It soon transpired that Sir Frederick had no idea the Ecclesiastical Court was sitting, and therefore was guiltless of disrespect when he summoned "the apparitor". For the words he was "publicly rebuked for his pains" and thus, Strafford added, "there is an advantage to the Bishop, which will move that sort of people to be more circumspect what they do to the prejudice of ecclesiastical Courts". The charge of immorality was dropped. As for Hamilton's charge of Treason Strafford scouted it. Neither of the two sons had been out of the Kingdom. The father and they had just taken the oath of allegiance. Privately to Laud he wrote "The reading of the Marquis of Hamilton upon the text of the Stewarts must be used with some salt". This preservation of the loyal but Calvinistic Stewart from an attempt on the part of the Hamiltons to eject him from the Council appears in Reid's Presbyterian History of Ireland as "the unjust and oppressive conduct" of Strafford.[1] The whole incident shows how matters of state dovetail into matters of conscience, and that what appears at first to be the arrogant censure of a pious gentleman by an overbearing Deputy, is really his preservation from the hands of rivals.

Lord Castlestewart, the head of this family in Ireland, appealed to Strafford to exercise his Vice-Regal influence to withdraw this inhibition. Strafford consented.[2] The whole tenour of the Strafford regime was a meticulous avoidance of all religious persecutions, provided the points at issue did not trench on affairs of state. The inhibition was temporarily withdrawn, partly in the hope that the velvet glove would achieve more than the iron hand, partly to avoid judgement on issues raised under a previous regime, and partly to give the Northern Planters no opportunity of raising a slogan "pro aris et focis in the face of the Parliament".

This Parliament gave civil rights to the Scotch Settlers. Hithertoo they ranked as aliens in Ireland. An alien at this period suffered many legal disabilities. The Act enabled all settlers to

1) H. P. C. I—230; L. L. VII—501, 519, 529, 562; L. S. II—189, 245, 270, 337.
2) A. B.—81.

sue in Courts, to receive grants of Crown lands, and to inherit by the ordinary process of law. Mindful however of the Revenue, Strafford inserted a salvo, exempting from the benefits of this Act any escheats the Commissioners had made for want of letters of denization. The pecuniary rights of the Crown are carefully protected in every clause of the Strafford code. This act removed the great grievance under which many in Ulster suffered, their properties being always liable to inquisition, and their civil rights being nil.[1] It is curious to notice that all the efforts of both James and Charles to secure Scotchmen civil rights in England were balked by the Parliamentarians, who saw no merit in Scotchmen until they went into rebellion.

Strafford, however, was determined to confine within bounds the rising tide of Puritanism. The Church was so intermingled with the State that the constant assaults on Bishops undermined its foundations. Blair's refusal to conform to the canons of a church in which he served may have been private judgement pushed to extremes. When, however, he denied the right of the King, Lords, and Commons of Ireland to say that a Bishop was entitled to impose an oath of conformity on a rector in his diocese, he struck at the very root of all society, claiming to be "supra leges terrae" because of his theology. Leslie one time said of the Puritan Divines and their claims "they allow subjects to depose a prince, yea, and to take away his life if he be a tyrant, and he must be a tyrant if he please the Presbytery to declare him to be such. So that Kings should be in a far worse case under the Presbytery than ever they were under the Pope, for instead of one pope, they must be subject unto a thousand."[2] In a country where "L'état c'est moi" was the normal rule, the appearance of Blair and his friends fluttered the official dovecots.

The difficulty was that the constitution and Canons of the Irish Church were so loose and so chaotic, that—within, of course, limits—it was possible for a clergyman to do what he wished, and say what he pleased, preach any doctrine, cut, alter, and add to the Church Service, and there was no known power, save the Royal Prerogative, that could call him in question. The Irish Church had really no Canons at a period when all theological thought was

1) Act. 10. Charles I. Cap. 4. 2) R. I. A. P. VI—10. p. 8.

shifting and changing according to local pressures, personal idiosyncracies and high or low politics. Of Canon Law I can find little trace. Ecclesiastical Courts were confined to Probate and Divorce, and were of recent origin, and chaotic. The authority of Bishops was impaired by a thousand and one considerations. A Court of High Commission had been created in the reign of Elizabeth, and had perished still-born. Chichester speaks of it as something of which he had once heard.[1] In the whirl of rival systems, that broke over Ireland between 1640 and 1660, if something had not been done in 1634 to form a centre of authority, and a common basis of dogma, the Irish Church would have either split into a host of minute sects, or it would have simply abdicated to the organized force of Roman Catholicism.

Hithertoo the only known exposition of doctrine was the Usher articles passed by Convocation in 1615. They were claimed by the Puritans as a great triumph for their party. They comprized the nine articles which had been passed at the Lambeth Conference, and vetoed by Elizabeth. They definitely committed the Irish Church to the extreme left in matters theological. No doubt the Puritans saw in them much what they would like to see, and more than they should see. Their drift, however, and general tenour is unmistakeable, and explains why—apart from "the licence and liberty" that is indigenous to Ireland,—Puritan and Scotch divines flocked over to Ireland. These Articles however had another effect. This is the period when the Reformation per se—its religious and intellectual side—is beginning to make itself felt among the Irish Upper Classes. To them the extremes of Puritanism were anathema. It was viewed by them pretty much as intellectual socialism is regarded by a Country Squire to-day. The trend of the Irish Church towards Puritanism, or rather towards Calvinism, was a movement in a direction, with which men of the stamp of Ormonde, Inchiquin, Mayo, and Roscommon, not to speak of hundreds of minor potentates, could not, and would not have any sympathy whatsoever. The Usher articles, and the developments that gave them a strained significance, may be regarded as the obstacle to the progress of the Reformation among the Irish educated class. Subsequent events proved that this Puritannical appearance was

1) C. S. P. 1607—97.

but the work of an active and pushful minority, but the effect was to make the Church of Ireland incline rather to Calvin than to Luther, to take its inspiration rather from Geneva than from Canterbury.

To alter this, Convocation had to be summoned. The history of Convocation in Ireland is totally distinct from that of England. In England it was one of the Estates of the Realm, summoned at the same time as the Lords and the Commons. Once the prelates and clergy sat in the Commune Concilium, but, in or about the same time as the Commons separated from the Lords, the clergy separated from both, leaving in the Upper House the Prelates and Abbots, who sat both in the Lords, and in the now distinct Convocation. In Ireland constitutional development is quite distinct. Convocation never existed till the time of Strafford. From the earliest times, however, the Synod legislated on matters spiritual, summoned of its own volition, dealing only with its own affairs, and having no legal or constitutional connection with the Crown, save, that from the time of Henry II., it always supported the Crown. No Irish Deputy ever encountered a Beckett, or a Langton, or heard a murmur of Bulls "clericos laicis". When, however, Parliaments came into vogue the Bishops and Abbots were summoned to the Lords. What is more remarkable, however is that down to the reign of Henry VIII. clergy sat as special representatives in the Commons, just as they did in England in the early Plantagenet era. An Act of that reign relates that this was the practice "at every Parliament begun and holden in this realm", and an earlier Yorkist Statute, describing the composition of the House, enumerates "Citizens, Knights, Burgesses and Proctors". The Statute of Henry VIII. however assimulated matters to the English standpoint, and reduced these Proctors to the level of voteless assessors, advisers on spiritual matters, just as the judges sat in the House of Lords to advise on legal matters, but without a vote.[1] A curious relic of this custom was that some of the nobility brought chaplains with them to Chichester's Parliament and "were governed by them".

There was thus a dual government in matters spiritual and matters affecting the Church, Parliament and the Synod. The

1) Acts. 28, H. VIII. Cap. 4; 18, E. IV. Cap. 2.

sweeping alterations in the reign of Henry VIII. were enacted by Parliament alone. The Act of Uniformity in the reign of Edward VI. was put into force partly by proclamation, and partly by resolution of a Synod, Parliament not being summoned nor consulted.[1] This Synod is described by Cox as "an assembly of the Archbishops and Bishops with others of the Clergy". Mary's counter-reformation was transacted by the Prerogatives and by Parliament. Elizabeth's first Parliament repealed these acts. In the third year of her reign, Sussex, the Lord Lieutenant summoned what Dudley Loftus called "a Convocation", but what was really a Synod, Parliament then not sitting.[2] In 1566 Sydney resorted to a Synod. It legalized the first set of Articles ever known in Ireland. They consisted of 12 simple expositions of Faith, all the moot points of the period being ignored.[3] The Civil Wars then intervened. Calvinism reached its culminating point in England. An unofficial gathering of Divines at Lambeth passed the Lambeth articles. Elizabeth refused to call a Convocation to legalize them. The movement spread to Ireland. Chichester, Usher, Knox, and others were undoubtedly attracted by its tenets. Some formula or basis had to be laid down in Ireland, and what occurred profoundly affected subsequent events. At an assembly held at the end of 1614 a series of articles were enacted, undoubtedly Calvinistic in trend, which articles constituted all the dogma the Church of Ireland possessed till the Strafford regime.

How was it that these articles were tolerated by James? How was it that they were so easily superseded by Charles? That question can only be answered by an examination of the status of this Assembly and the validity of its decrees.

Parliament met in 1613. This body did not meet till 1615. It was therefore not a concurrent estate of the Realm, sitting at the same time as the Lords and Commons. One of Usher's Chaplains calls it "a Convocation".[4] The other calls it a "Nationalis Synod".[5] Bramhall subsequently referred to it as "that Synod".[6] The then Primate of Armagh, in a letter to England, calls it a Convocation "assembled by virtue of the King's writ", and relates that it passed a subsidy. He also gives its date as May 29, 1613 to

1) C. A. H. I—288; Ware. Bishops—152, 350, 390, 461. 2) U. E. I—41.
3) U. E. I—Appendix. IV. 4) U. P. – 14. 5) Vita Usserii. Thomas Smyth. p. 40.
6) Vesey Life of Bramhall. See Introduction.

April 25, 1615.[1] This would lead one to believe that it was a Convocation, called at the same time as Parliament and, in due form, fulfilling all the functions of a Convocation. Unfortunately the letter bears every appearance of a post factum form of pleading, seeking to convey an air of legality to an official body, a letter written by an enthusiast to show how closely they had approximated to legal forms. There is no record of a writ being issued. There is no official correspondence dealing with its composition, proposals, or findings. Parr deliberately states that it met in 1615.[2] In Irish theological circles the term "Convocation" was applied in 1611 to a meeting of the Bishops.[3] Lastly, if it was a Convocation, why was not its subsidy legalized by Parliament, as was done in 1635? Bernard, Usher's chaplain, acknowledged that controversy prevailed as to whether even the Deputy had assented to its proposals.[4] On the eve of Strafford's Convocation Bramhall let fall some remarks which reveal what many men felt. "For the confirmation of the articles of 1615 I know not what you mean by it. I wish you to consider whether such an act would not, instead of ratifying what is desired, rather tend to the deminution of that authority by which they were enacted, and seem to question the value of that Synod."[5]

Reading between the lines we can understand what occurred. In the confusion of the time—no one knowing how to call a Convocation—a Synod was summoned. That gathering was left to itself. Under the influence of the Calvinistic movement it enacted the articles of 1615. Chichester made the best of a bad business —he was on the verge of his downfall—and signed the Articles in the King's name. The whole question then arose as to the validity of these Articles. It is clear James had never been consulted beforehand. At that period the King's previous assent was as vital as his subsequent assent, to all acts of Synods, Convocations or Parliaments. No small body of opinion held that these Articles were but an expression of opinion by an unofficial body. These were on a par with the decision of the Lambeth Conference, ratified by neither Elizabeth nor a duly called Convocation. Elrington errs in assuming that it was the absence of Parliamentary sanction that rendered them invalid.[6] When the Prerogative was at its

1) C. S. P. 2615—49. 2) U. P.—14. 3) C. S. P. 1611—81. 4) Life of Usher. Bernard.—50. 5) Vesey. Life of Bramhall. Introduction. 6) U. E. I—49.

highest Tudors and Stuarts held religious dogma to be outside the powers of the Parliament. Strafford never referred the 39 articles to the Irish Parliament. What made the articles of 1615 illegal was the absence of assent, previous or subsequent on the part of James, the chaotic nature of the Synod, and its absence of forms. Even the Articles were signed only by the clerk, and not by each member of the assembly. A writer of a later epoch attacking Helyn one time summarised the prevailing views of that period thus. "I do not defend or approve that Bishops or others, should take upon them to make new articles or define controversies in religion, without being authorized by the King and Convocation so do to."[1] It is significant that, when these articles were published in pamphlet form in Dublin, the volume contained no mention of the Royal or Vice-Regal assent.[2] The articles of 1566 however, are preceded by a title Page which leaves one in no doubt that it is an act of Church and State, issued by all "Her Majesties Commissioners for Ecclesiastical causes".[3] One was official, legal, and ecclesiastical. The other was ecclesiastical only, the declaration of an unofficial body of Clergy. A change of Government followed instantaneously and James wisely imposed neither a veto nor an assent. Usher, however was regarded for some time as a Puritan, and had to convince James by personal discourse that he was not so extreme as many claimed him to be.[4]

Nor was this question so purely theological as at first sight appears. The Strafford era was one in which peace and prosperity had made whole classes of impatient men hostile to any form of authority. It is an era of revolt. Men had yet to learn that society depends on certain residua of authority, which can step in and say "thus far shall thou go and no further". The precise boundaries between licence and liberty are hard to define, but in every State in Europe the subject was wiping out that line of demarcation. Even Irish Roman Catholicism was fast approaching a stage of internal anarchy, which wrecked its ambition of converting Ireland.

Puritanism was the emblem of revolt. It was based on individualism. It began with an extreme hostility to Bishops. All Bishops were not perfect, and yet the majority of them were milder than

1) U. E. I. Appendix VII. p. CLXXX. 2) U. E. I. Appendix. IV. 3) "A Brief Declaration of Certain Principal Articles of Religion". Dublin 1566. 4) U. P.—15—17.

the assemblages of Divines and Lay Elders, and what was more were curbed by Statute Law, Canon Law, and the Royal Prerogative, which the Glasgow Assembly, the Westminister Assembly, or the Soviets of Levellers were certainly not. The Bishops were officers of State. Their Courts were Departments of State. They supervised Education, Probate, Divorce, and cases of immorality. To demand that these great officers should give way to self appointed bodies of men—men without education, training or even that worldly status which makes inferior men passable—was to carry a revolution by a side wind, and a revolution which Ireland would not tolerate. This movement had to be curbed in Ireland, or rather steps had to be taken to prevent it entering in.

There was no episcopal authority in Ireland. There were no definite articles for a Church which fulfilled these lay functions. There were no canons whereby the authorities of that Church could consolidate its authority over this man or that, and without this authority they were helpless to fulfill their great functions of state. Let us see how devastating were the effects of this chaos. These are Strafford's words. "They are accustomed here to have all their Christenings and Marriages in their private houses, and which is odd they never marry till after supper and so to bed. This breeds a great mischief in the Common wealth, which is seen in this, that because these rites of the Church are not solemnized in public, there is nothing so common as for a man to deny his wife and children, abandon the former and betake himself to a new task. I hold it very fit there were a High Commission settled here in Dublin to countenance the despised state of the Clergy, to support ecclesiastical Courts and Officers, much suffering by means of the overgrowth of Popery in this Kingdom, to restrain the extreme extortion of officers, registers and such like, and to annul all foreign jurisdiction, and to punish the abominable polygamies, incests, and adulteries, which are too frequent."[1] This scathing summary was corroborated 10 years before by an Irish writer.[2]

Strafford's remedy was to substitute the 39 articles for those of 1615, to initiate a whole code of canons, to support episcopal jurisdiction by the High Commission, and generally to crush in the bud all revolt against Episcopal authority, bending it at the same time to the will of the State to reform this ghastly chaos.

1) L. S. I—188. 2) T. C. D. F. 3. 16.

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